

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	20/12/2019
Planning Development Manager authorisation:	TF	21/01/2020
Admin checks / despatch completed	CC	21/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	21/1/2020

Application: 19/01656/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Paul Cox

Address: 43 Kings Avenue Holland On Sea Clacton On Sea

Development: Addition of first floor rear extension with part flat roof.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

15/00834/FUL Side and rear extension. Approved 28.07.2015

18/00289/FUL Addition of first floor rear extension with pitched roof. Approved 20.04.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission for a first floor rear extension.

Amended plans have been submitted to amend the original flat roof design, the roof is now proposed to be pitched in the centre to improve the architectural quality of the proposed addition.

Application Site

The Site is located to the West of Kings Avenue, within the development boundary for Clacton. The surrounding location comprises of a mixture of single and two storey detached dwellings, differing materials are used throughout the street scene including painted render and brickwork and cladding. The application site serves a two storey detached dwelling constructed of white render, a pitched roof with roof tiles and timber painted windows. The front of the site has a paved driveway area, a boundary fence, trees and shrubbery. There is a garage attached to the North of the dwelling. The rear of the dwelling is laid to lawn with a patio area, trees and shrubbery.

Assessment

Design and Appearance

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and

design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposal will measure approximately 3m deep and 12m wide with a maximum height of approximately 5.3m. It is considered that the site can accommodate an extension of this size and scale and still provide adequate private amenity space.

The exterior walls will be constructed of cladding with an anthracite grey finish; this will be a contrasting material from the existing dwelling. However, as the proposal is set to the rear of the site and will not be visible from the highway it is considered to cause no adverse effects on the visual amenities of the area. The windows will be painted timber to match that of the existing dwelling, and the roof will be pitched in the centre, to match that of the front elevation of the dwelling.

Impact to Neighbouring Amenities

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst criteria '*development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties*'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will be built approximately 2m from the boundary of the neighbouring block of flats on the south side. These flats are set further forward in their plot so the proposal will be visible to these neighbouring properties. The proposal is located approximately 1.3m from the neighbouring boundary to the north (26a Bedford Road), and will be visible to this property. Due to its proximity to these neighbouring dwellings calculations specified within the Essex Design Guide have been applied. The proposal is considered to cause no significant impact on loss of privacy, daylight or harm to the amenities of the adjacent neighbours.

Other Considerations

Clacton is non-parished.

Two letters of representation have been received opposing the proposal. One letter opposed on the grounds that the extension will overlook their property and cause a loss of privacy, and due to over-development in the area. The other letter received opposed on the grounds of loss of privacy and light, large vehicles causing detriment to the highways and pavements.

As discussed above, calculations set out within the Essex Design Guide were applied to this application and it was deemed to cause no significant impact on loss of privacy, daylight or harm to the amenities of the adjacent neighbours. The proposal is also not deemed to cause over-development within the streetscene. Due to the nature of the proposal the complaints raised regarding the highway are not considered to be a material consideration and cannot be conditioned.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing Number 6648-1202-P2

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO