

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	27/01/2020
Planning Development Manager authorisation:	TF	29/01/2020
Admin checks / despatch completed	CC	31/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	31/01/2020

**Application:** 19/01857/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Nancy Edmunds

**Address:** 57 Fleetwood Avenue Holland On Sea Clacton, On Sea

**Development:** Proposed single storey rear extensions following demolition of conservatory, with covered roof.

### 1. Town / Parish Council

### 2. Consultation Responses

### 3. Planning History

19/01857/FUL	Proposed single storey rear extensions following demolition of conservatory, with covered roof.	Current
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### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Policy 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

Proposal:

Single storey rear extension, comprising an extension to the lounge, approximately 5 metres deep and an extension to the rear bedroom approximately 1.2 metres deep with an adjoining covered area immediately outside which is 1.8 metres deep.

Drawings have been amended at application stage, to show the differentiation of solid / open nature of the side elevation opposite No. 55.

## Site Description:

The application site comprises bungalow on the urban edge of Holland on Sea, within a c1970 housing estate characterised by a predominance of red brick bungalows. The rear garden slopes gently away from the rear of the dwelling.

## Analysis:

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 rear extension is in two parts, varying in depth as already described. Its eaves are above the eaves of the original bungalow which is considered jarring and the white render would appear in stark contrast to the bungalow, however given its relatively concealed position at the back of the property, this is considered acceptable.

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 immediate neighbours on either side are Nos 55 and 59. It is assessed that there would be no adverse impact on amenities (light, privacy, and outlook) on No. 59, due to the spacing between the properties and absence of side window on the proposed extension. It is also assessed there would be no adverse impact on No. 55, west of the application site. There would be no significant breach of the 45 degree line, as the deeper part of the extension is positioned further away from the boundary line. The covered roof would breach a 45 degree line but this raises no concern given it is open sided. It should be noted there is a small rear conservatory/extension at No. 55 and there are no objections from the occupier of this property. There is also a 1.8 metre high wooden fence which sufficiently protects privacy, avoiding the need for obscure glazing.

It was noted by the case officer on the day of the site visit that work had already started and that the existing patio area had been demolished. In spite of this, there is evidence it existed and photos confirm that the 1.8m high fence is at the level of the patio, thus preserving sufficient privacy from the proposal.

The proposal is therefore considered to be compliant with the above policies and is recommended for approval.

## Other considerations

There have been no representations received.

## 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 plan: 01 D, received 22nd January 2020;

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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