

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

From 1st October 2009 a new provision under Section 96A of the Town and Country Planning Act came into force allowing a Local Planning Authority, on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non-material.

The key test as to the acceptability of an application for a non-material change is whether the change is material to any development plan policy. If the answer is 'no', three further tests should be applied:

1. Is the proposed significant in terms of its scale (magnitude, degree etc.), in relation to the original approval?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

Site Description:

Semi-detached dwelling. Immediate neighbouring dwelling south of the site is a detached house.

Appraisal:

The proposal comprises of the following amendments to planning approval 19/01720/FUL.

- Rear gable end instead of hipped roof; insertion of first floor obscure-glazed side window; and small increase in height of first floor rear Juliet balcony.

It is considered the amendment to the roof design of the two storey rear extension to form a rear gable would affect the bulk and appearance of the extension. Given the property is a semi-detached dwelling, such a change in bulk/form at first floor level has the potential to affect the amenity of the adjoining semi, and therefore is not considered to be a non-material change.

Furthermore it is noted that Lawford Parish Council objected to the original application on design grounds and as such, given the change in bulk to the building, their interests would be disadvantaged if the proposed amendments were considered non-material.

Conclusion

In this instance it is considered the amendments being sought are material and are therefore not acceptable as a non-material amendment to the approved plans attached to 19/01720/FUL.

6. Recommendation

Refusal Non Material Amendment

7. Conditions / Reasons for Refusal

- 1 The proposed amendment is considered to be a material change, due to the impact on the scale and bulk of the rear extension as a result of the proposed change from hipped roof to rear gable, having the potential to affect the amenity of the adjoining semi-detached property. In order to protect amenity, a formal planning application to replace the drawings will be required so that the neighbours can be consulted.

8. Informatives

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