

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	25/02/2020
Planning Development Manager authorisation:	AN	25/02/2020
Admin checks / despatch completed	CC	26/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	26/2/2020

Application: 19/01888/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Mr and Mrs Harwood

Address: 65 Feverills Road Little Clacton Clacton On Sea

Development: Proposed rear conservatory.

1. Town / Parish Council

Mr Little Clacton Parish Council – supports application (no further comments)

2. Consultation Responses

None.

3. Planning History

11/60142/HOUEN Q	Erection of rear single storey flat roof extension		04.04.2011
11/00809/FUL	Proposed rear extension to form additional accommodation.	Approved	17.08.2011
19/01888/FUL	Proposed rear conservatory.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The applicant seeks permission for a rear conservatory 5 metres deep. It is about 0.6 metres from the boundary with the adjoining property. The eaves of conservatory are below the eaves of the existing extension.

Site description

Semidetached c1970s 1.5 storey dwelling on the edge of Weeley Heath inside the development boundary. The rear garden adjoins open field. The property has an existing single storey flat roof extension at the back 4.2 metres deep stretching the width of the original dwelling. There is a 1.8m wooden fence on the shared boundary with adjoining semi, No. 63.

Assessment

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 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 proposed rear conservatory is 5m deep and adjoined to an existing extension. Therefore the total depth the property would be extended at the back would be over 9 metres. It should be noted however that the adjoining semi (No. 63) has a rear extension across the full width of the property almost the same depth as the existing extension at No. 65, which helps counter to some degree the impact of the proposed conservatory. Taking this into account, together with the PD fall-back (it would be possible to build a rear extension 8 metres deep subject to prior approval) and the fact there are no objections from neighbours, it is considered it would be unreasonable to refuse the application based on its depth in this case.

There are large, wide French doors at the adjoining property and it is likely that a 45 degree line from the middle of this window would be breached by the proposed rear extension, however this is not considered a sufficient reason for refusal in light of the considerations above, especially taking into account the application site is west of the adjoining semi and its relatively low height and massing.

In terms of design, there would be no significant impact on the street scene due to its location at the back. Materials proposed are brickwork and UPVC windows which raises no concerns.

Therefore the proposal is considered to comply with the above policies and 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 two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 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: HFR 01, Site Location Plan received 12th December 2019.

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.

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