

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	12 th March
Planning Development Manager authorisation:	AN	16/3/20
Admin checks / despatch completed	CC	17/3/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	17/3/2020

Application: 20/00052/FUL **Town / Parish:** Brightlingsea Town Council
Applicant: Mr and Mrs Baker-Peck
Address: 19 Pyefleet Close Brightlingsea Colchester
Development: Proposed Garage Conversion, Internal Alterations and Two Storey Side Extension.

1. Town / Parish Council

Brightlingsea Town Council Supports application

2. Consultation Responses

No comments received

3. Planning History

20/00052/FUL Proposed Garage Conversion, Internal Alterations and Two Storey Side Extension. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is a detached dwelling forming part of a much larger estate development constructed in the 1970's. Externally it is finished in engineered red brick with horizontal cladding to the first floor front elevation and feature central gable. No. 18 Pyefleet Close is orientated with their front elevation facing the side of the application site with separation distances to the common boundary being in the region of 11.5m; this neighbour benefitted from a two-storey side extension in 2007.

Proposal

The application comprises two main elements; the conversion of the existing garage to habitable accommodation and the construction of a two-storey side extension. The garage would become a playroom and utility room. The two storey extension comprises a garage at ground floor and additional bedroom at first floor. It is around 4.8m wide and 7.4m deep and its ridge is set down from the existing ridge by around 0.1m.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. 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.

Policy HG14 (Side Isolation) is intended to ensure that new development does not result in "over-development, unsympathetic change, and loss of amenity". The District Planning Authority considers that the side spaces created between buildings are of the utmost importance in areas of medium and low density housing. In such areas, development up to a common side boundary *normally* appears cramped, often creating an unbalanced terraced effect. A further reason for maintaining an appropriate side isolation space is to ensure that the impact of residential development on the amenities of adjoining residents is of an acceptable level, without new structures or buildings appearing too close and over dominant, or resulting in overlooking and serious loss of aspect, or daylight.

Externally the proposed extension would be finished in red brick and interlocking cement tiles to match the existing dwelling. The scale is entirely appropriate not only to the individual dwelling, the plot and the wider streetscene in general.

In regards to side isolation. It is acknowledged the proposed two storey extension would be built up to the boundary, however the preamble to the policy states that this type of development *normally* looks cramped. In the circumstances of this particular site No. 18 Pyefleet Close (the dwelling to the left of the application site) is orientated such that their front elevation faces towards the flank elevation of the application site with separation distances to the common boundary being in the region of 11.5m. This degree of separation is considered ample in regards to retaining an uncramped appearance in this corner of the cul-de-sac. Further, this adjoining plot is not considered 'undeveloped' and, due to the wide, spacious character all other properties have in the locale, it is unlikely that their front garden could ever be developed – thereby ensuring that the spacious character is retained.

Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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 other 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).

Separation distances to the front of the adjoin neighbour are retained at 11.5m and 26.5m to the rear neighbour at 43 Marennes Crescent. These separation distances ensure that privacy and daylight would not be materially damaged by the proposed development. Whilst it is acknowledged that the outlook from first floor rear facing windows of the rear neighbour will be different, there is no automatic right to a view (in this particular case, distant views of the Colne Estuary) and for this reason the development will not have a materially-damaging impact on the amenities of occupiers of nearby properties.

Highway Issues

The proposed development generates an additional need for parking but conversely proposes a garage. Whilst the internal width is sufficient to house a family car the length falls short of those detailed in the published Parking Standards. Notwithstanding this; there is sufficient space on the driveway in front of the proposed garage to park to vehicles in a tandem layout.

Representations

One letter has been received from the occupiers of an adjacent dwelling, the contents of which are detailed here:-

Whilst we acknowledge that proposed plans will no doubt meet current building regulations and will comply with all Codes in place we would like to point out that we will lose the view over the River Colne Estuary and some light which we currently enjoy. We consider these to be an enhancement to our quality of life and the proposal would be a loss of an amenity we currently enjoy.	See section on Impact on Neighbouring Amenities above.
It was not the original planners of the Manor Estate intention that there should be any infill and extensions here but somehow development, and therefore a precedent set, has crept in and the whole concept has been spoiled.	See Informative section below.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

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: HPA.005, revision A, HPA.006, revision A and HPA.007, revision A received 13th January 2020

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the north-west elevations of the extension except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

8. Informatives

Application Approved Without Amendment

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?		NO
Are there any third parties to be informed of the decision?		NO