

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Cedar Crescent is a cul-de-sac of a slightly irregular shape. Pairs of semi-detached, circa mid-20th century dwellings are sited around the perimeter. There is a sense of uniformity and spaciousness in regards to scale and layout of the dwellings at the turning-head of the cul-de-sac.

Description of Proposal

The application proposes two elements; a two-storey side and a part-two/part single storey rear extension. The side extension is a little under 2m wide and is set back from the front elevation by around 0.4m, the ridge is stepped down from the main ridge by around 0.1m and the eaves' height replicates the existing. The ground floor results in a cloakroom, a toilet, a utility room and enlarged playroom; the first floor results in an enlarged Bedroom 3, a new bathroom and an en-suite. The two-storey part of the rear extensions is just under 5m wide and 4m deep from the original rear elevation. It is sited to the left hand of the dwelling and has a gabled roof with an eaves' height replicating the existing and a ridge which is around 1m lower than the main ridge. The single storey is 3.2m wide and is 4m deep to replicate the two-storey, it has a mono-pitched roof with eaves of 3.2m and a ridge of 4.3m; the side wall is 0.3m from the shared boundary. The ground floor of the rear extensions results in a new kitchen and the first floor would be a new bedroom.

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.

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. Indeed, in many locations even the minimum one metre side isolation space between a dwelling and the side boundary of the site, as specified in the policy, would appear unsatisfactory visually. In such instances larger side isolation space will be required.

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. Moreover, if an adjoining plot is undeveloped, to allow buildings up to the common boundary could prevent the satisfactory development of the adjoining site at a later date and prejudice the amenities of future neighbours.

Policy H14 requires that proposals for extensions to dwellings over 4 metres in height, will be required to retain appropriate open space between the dwelling and the side boundaries of the plot to ensure that new development is appropriate in its setting, does not create a cramped appearance, to safeguard the amenities and aspect of adjoining residents and, in the case of undeveloped adjacent plots their satisfactory development at a later stage. The width of the two-storey side extension entirely respects the host dwelling in regards to its scale and design and the fenestration is in proportion to both the width of the extension and the size of the openings of the existing fenestration. The part-two and part-single storey extensions entirely respects the host dwelling in regards to the depth of the projection and, having a lower ridge height the two-storey element remains clearly subservient to the main dwelling. Overall the extensions would be finished in an engineered brick with interlocking roof tiles to match the original dwelling.

The two storey extension is off-set from the left boundary by 1.5m at the narrowest; this separation increases to 3.4m as a result of the angle of the plot increasing rearwards.

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).

As initially submitted, the proposed plans indicated that the single-storey extension would be a little over 5m deep. As the application site is the left hand of a pair of semi-detached dwellings there

was concern that the depth of the existing could result in materially damaging harm to the daylight received to the nearest neighbouring window serving a habitable room; a test of the proposal against the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' showed that the rear extension would fail the 45 degree test – applied where the development or extension is perpendicular to the window.

Revised amended plans were negotiated that reduced the depth of the extension by 1m and any loss of light resulting from the reduced depth was no longer considered to be material.

Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

At a depth of 7.8m and width of 9.2m, there is ample space forward of the principle elevation to accommodate two off-street parking spaces.

Representations

No contributions were received in response to the public consultation.

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 Approval

- 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:- CK-E02 - REV A, CK-P02 - REV A and CK-P04 - REV A; received 11th May 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), the windows in north west elevation shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of the adjoining property.

- 4 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 additional windows shall be inserted at first floor level in the north east elevation nor the south west elevation 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 the neighbouring property.

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