

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	20/05/2020
Planning Development Manager authorisation:	TF	26/05/2020
Admin checks / despatch completed	CC	26/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	26/05/2020

Application: 20/00328/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Stiff

Address: 111 Chilburn Road Clacton On Sea Essex

Development: Proposed new pitched roof with 3 No. Velux Rooflights, side and rear extension (following demolition of conservatory and rear extension).

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

20/00328/FUL	Proposed new pitched roof with 3 No. Velux Rooflights, front porch, side and rear extension (following demolition of conservatory and rear extension).	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

HG9 Private Amenity Space

HG14 Side Isolation

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for the erection of a new pitched roof with loft conversion and a side and rear extension to a detached bungalow following the demolition of the existing rear extension and conservatory. The property is located within the settlement development boundary of Clacton on Sea.

Design and Appearance

The proposal at 111 Chilburn Road will alter the appearance of the bungalow as it is today but not so significantly to impact the character of the bungalow or immediate area. The side extension will be built on the south eastern side increasing the overall width of the bungalow by 2.88 metres, however the bay windows and previously central front door will remain with just an additional window on the front elevation. The rear extension is an increased depth of 2.8 metres of which the new roof will span. The proposed pitched roof will replace the existing pitched roof and which will draw the additional elements of the bungalow together. The ridge height of the roof will be raised to allow for rooms in the roof space. The characteristic hipped roof at the front will remain with one sympathetic dormer, to the rear the roof will be completed with a gable with two roof lights on the north western roof slope and one roof light on the south eastern roof slope.

The remodelling of the bungalow will modernise its look in the street scene and although the neighbouring detached properties are of similar styles there are features of some of them which set them apart ensuring the proposal will not look out of place. 111 Chilburn Road is set back from the highway and set in a large plot creating a spacious feel. The existing bungalow is red brick, render and pebbledash with a clay tile roof. The proposed materials of painted render to finish the external walls and dormer with Marley ashmore interlocking double plain roof tile in smooth grey will not look out of place in the street scene. Both neighbouring properties have replaced the tiles on their roofs with grey pantiles. White UPVC windows and doors will match the existing with the rear bi-fold doors being framed in aluminium powder coated in black.

The design and scale of the extension with loft conversion would result in no material harm to visual amenity.

Impact upon Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case there is a distance of 1 metre to the south eastern side boundary shared with 113 Chilburn Road and a distance of 3.4 metres has been maintained between the north western side boundary shared with 109 Chilburn Road.

Due to the potential of the proposal to result in loss of light to the property of 109 Chilburn Road the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would not intercept any windows at 109 Chilburn Road nor would the 45 degree line intercept any windows in elevation ensuring there is no significant loss of light to this neighbour.

Although the application site lies south of the property at 109 Chilburn Road it is considered the distance which separates the properties is sufficient to avoid materially harmful overshadowing to number 109. Two roof lights are sited on the north western roof slope of the proposal facing 109 Chilburn Road, however one roof light serves the bathroom and the other serves the bedroom. The rear facing gable window also serves the same bedroom which is not deemed to be a room which is lived in during the day therefore it is not considered to significantly impact the privacy of the neighbouring property.

There is also the potential of the proposal to result in loss of light to the property of 113 Chilburn Road as it is not clear if there are windows on the side elevation facing the application site and so the calculations specified within the Essex Design Guide have been applied here too assuming there are windows on this elevation. The 45 degree line in plan would intercept any windows on the side extension which is built to the boundary at 113 Chilburn Road however it would intercept less than half of any windows on this extension in elevation ensuring there is no significant loss of light to this neighbour.

The roof light on the south eastern roof slope allows light into the stairwell and does not serve a room and therefore it is not considered to significantly impact the privacy of the neighbouring property. The front facing dormer window looks out into Chilburn Road which is a public highway and views towards neighbouring properties from this window are not judged to significantly increase overlooking or intrude on privacy.

The properties of 1, 3 and 5 Inglenook lie to the rear of the application site and the back gardens meet. The proposal will increase the ridge height of the host property and create a loft conversion with two bedrooms and a bathroom. The use of the first floor as bedrooms means that they are less likely to be in use during the daytime. The Essex Design Guide considers the distance between rear facing properties and recommends a minimum spacing of 25 metres between the rears of the properties. In this case, following the construction of the proposal a distance of 35 metres is maintained to 1 Inglenook, a distance of 33 metres is maintained to 3 Inglenook and a distance of 29 metres is maintained to 5 Inglenook.

At least 240 square metres of private amenity space will remain following the construction of the proposal which is considered more than adequate and the existing off road parking arrangements will not be affected.

Other Considerations

Four objections to the application have been received which raise the following concerns:

1. Overshadowing
2. Loss of light
3. Overlooking
4. Loss of privacy
5. Scale and design out of character with surrounding properties
6. Construction vehicles

Points 1 – 5 have been addressed in the report. Point 6 - Due to the scale of the proposed development and considering the property is residential that will also be occupied, it is not necessary to impose conditions relating to vehicle movements and parking during the course of the works.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 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: Drawing no. 01 Revision D.

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

- 3 The hereby approved annexe accommodation within the main dwelling shall only be used ancillary to the residential use of the dwelling known as 111 Chilburn Road, Clacton on Sea, CO15 4PF.

Reason - The application site is unsuitable for an additional independent residential unit.

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?	YES	NO
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If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO