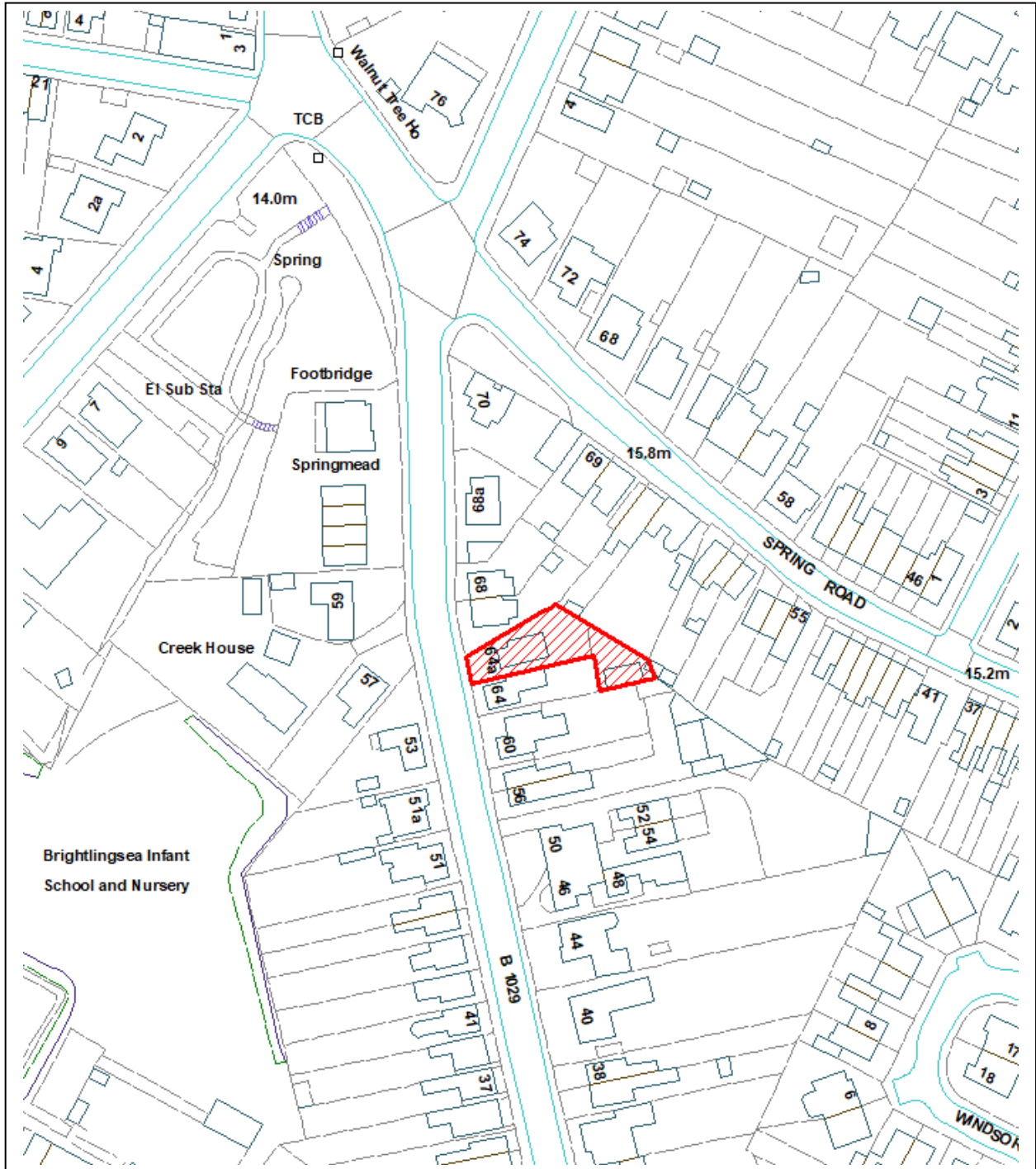


PLANNING COMMITTEE

14TH JULY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.4 PLANNING APPLICATION - 20/00387/FUL - 64A LADYSMITH AVENUE
BRIGHTLINGSEA CO7 0JD**



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Application: 20/00387/FUL

Town / Parish: Brightlingsea Town Council

Applicant: Mr and Mrs Newland

Address: 64A Ladysmith Avenue Brightlingsea CO7 0JD

Development: Proposed first floor front extension.

1. **Executive Summary**

- 1.1 The application has been referred to the Planning Committee as the applicant is an employee of Tendring District Council, in the position of Planning Team Leader.
- 1.2 The proposed first floor extension will be located at the front of the property and will be visible from the street scene. However, its modest size is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling.
- 1.3 Given the modest depth of the extension it is not considered to result in any material loss of light or outlook to the neighbouring properties.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

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

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

SPL3 Sustainable Design

Status of the Local Plan

- 2.2 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated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.

- 2.3 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.
- 2.4 The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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.

3. Relevant Planning History

94/00774/FUL	Conversion of garage to dining room (variation to condition 3 imposed upon permission TEN/738/83)	Approved	09.08.1994
20/00387/FUL	Proposed first floor front extension.	Current	

4. Consultations

Brightlingsea Town Council Support the application

5. Representations

None received.

6. Assessment

6.1 The main planning considerations are:

- Site Context;

- Proposal;
- Principle of Development;
- Layout, Scale and Appearance;
- Residential Amenities; and,
- Access and Parking.

Site Context

- 6.2 The application site is located to the east of Ladysmith Avenue inside the development boundary of Brightlingsea. It serves a detached two storey dwelling constructed of brickwork with a tiled roof. The front of the property has an area of hardstanding for parking of 2 vehicles. There is an established box hedgerow to the side boundaries.

Proposal

- 6.3 This application seeks planning permission for a first floor front extension. The proposed extension will measure approximately 2.8m wide, 3.4m deep and will have a pitched roof giving a maximum total height of 6m. The proposal will be designed from materials to match those of the existing dwelling, the exterior walls will be of facing brickwork, the roof will be pitched and tiled, and the window will be white UPVC. The design and scale of the proposal is considered in keeping with the existing dwelling and surrounding area and is not considered to cause any adverse effects on the visual amenities of the area.

Principle of Development

- 6.4 The principle of development is considered acceptable as the proposal simply seeks to extend and improve the existing host dwelling. The main considerations are therefore the detailed design and impact matters set out below.

Scale, Design and Visual Impact

- 6.5 The site is located in a residential area. Ladysmith Road is predominately made up of two storey dwellings, many of which have been altered or extended.
- 6.6 The proposed extension will be located at the front of the property and will be visible from the street scene. Its modest size is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling.
- 6.7 The proposed development is therefore considered to be in keeping with the host dwelling and is acceptable in design terms.

Residential Amenities

- 6.8 The neighbouring property 64 Ladysmith Avenue has one small obscure glazed window at both ground and first floor levels on the facing flank close to the extension, serving a landing and under stairs cupboard. There is also a secondary kitchen window at ground floor set back slightly behind the proposed extension. These windows are north facing and already obstructed to some extent by the existing dwelling. Given the modest depth of the extension it is not considered to result in any material loss of light or outlook to this neighbour. The neighbour at 66 Ladysmith Avenue is sufficiently separated from the extension to prevent any loss of amenity.

Access and Parking

- 6.9 The proposal will have no impact to access and parking. There is currently parking available for two cars.

7. Conclusion

- 7.1 The application is recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives;

8.2 Conditions and Reasons

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: Drawing No.1.

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

8.3 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.