

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | JD       | 15/07/2020 |
| Planning Development Manager authorisation:                 | TF       | 15/07/2020 |
| Admin checks / despatch completed                           | LN       | 17/07/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CD       | 17/07/2020 |

**Application:** 20/00601/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr Jason Rumble

**Address:** Little Oaks Betts Green Road Little Clacton

**Development:** Alteration to approval to allow for a redesign of the extensions.

### 1. Town / Parish Council

Little Clacton Parish  
Council  
01.07.2020

We continue to maintain our objection to this application site

### 2. Consultation Responses

Not applicable.

### 3. Planning History

|                 |  |          |            |
|-----------------|--|----------|------------|
| 94/00157/FUL    | Retention of stable, menage, storage and paddock area for private use  | Approved | 29.03.1994 |
| 95/00879/FUL    | Retention of replacement stables   | Approved | 19.09.1995 |
| 96/00074/FUL    | Retention of replacement conservatory  | Approved | 26.02.1996 |
| 97/00651/FUL    | Proposed hay store/field shelter   | Approved | 08.07.1997 |
| 16/00759/FUL    | New roof to accommodate additional rooms, render above face brickwork riser, weatherboarding to existing garage. | Approved | 15.07.2016 |
| 16/01195/OUT    | Erection of dwelling.  | Approved | 23.09.2016 |
| 17/00999/DETAIL | Erection of dwelling.  | Approved | 04.08.2017 |
| 20/00601/FUL    | Alteration to approval to allow for a redesign of the extensions.  | Current  |            |

#### **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

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

#### **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, 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.

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.

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.

## 5. Officer Appraisal

### Site Description

The site is that of a large, relatively modern bungalow almost at the end of a loose surfaced track forming a semi-rural cul-de-sac, a typical "Essex plotland" type site.

The bungalow has a double garage attached to the right hand side when viewed from the private road, to the side by the boundary with another property named Nierholme.

The application site is situated within Betts Green Road, Little Clacton, which is situated off Harwich Road. Although Betts Green Road is largely unpopulated, the immediate area to the south-east of the proposal is a mixture of residential dwellings. The site lies outside of a Settlement Boundary, as established within both the saved Tendring Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### Proposal

The description of the proposed works is "Alteration to approval to allow for a redesign of the extensions." This appears to be based on alterations to Little Oaks being shown on drawings for a new dwelling to the northwest of Little Oaks (17/00999/DETAIL). However, the current planning application is a full, householder application to change the existing bungalow to a house/one-and-a-half storey dwelling.

With regard to the proposed detailed changes, the footprint of the dwelling would be essentially unchanged although a slightly deeper single storey rear bay, to accommodate a living room, with a shallow gable end roof would replace a garden room rear bay.

Two columns to support a balcony would be set to the rear of the rear elevation by the northern rear corner of the dwelling.

A first floor would be created largely within a replacement roof. Windows to the proposed first floor would be to a front gable and as dormers. First floor rear windows would be set on the face of a wall but set with their tops adjoining the eaves to reduce the height of the first floor. A pair of full-height glazed doors would give access to a rear balcony.

The replacement roof would also be set above the double garage attached to the southern side of built form. The part of the replacement roof above the garage would accommodate a storage space accessed through either a front or rear bedroom.

The first floor would accommodate four bedrooms and a bathroom. The proposals would change a four-bedroom bungalow to a five-bedroom house/chalet bungalow.

### Appraisal

The property has ample private amenity space and parking. The principle issues with the application are whether the changes would have any material adverse impact to neighbours and the appearance of the dwelling as proposed.

Policy QL11 states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if a number of criteria are met, including a criterion that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The application property has two immediate neighbours, a relatively new house set to the northwest and a house to the southeast, Nierholme.

The house to the northwest has its rear elevation set deeper into the plot than the rear elevation of the application property. The glazed doors to the largest bedroom, and especially the balcony, would have sight of much of the rear garden to the house to the northwest. However, the nearest rear corner of the house to the northwest would provide screening to the area immediately behind the rear elevation of the house to the northwest. If a condition were imposed such that a sight screen were installed along the northern side of the balcony (as appears to be shown on the proposed rear elevation and a proposed side elevation) then it is considered that any partial overlooking of the neighbours' rear garden would be only to a rear corner of the back garden; with a sight screen to the side of the balcony nearest the house to the northwest any overlooking would not be to a degree which would constitute a material loss of privacy.

Due to the isolation space and orientation the proposal would create no material loss of daylight or other amenity to the occupiers of the house to the northwest.

The house to the southeast would experience no loss of sunlight due to the orientation of the two properties and the depth of the garage with roof form above would not be so great as to form any loss of outlook or indirect light. The occupier of this property has commented: "If the first floor extension is to be added to Little Oaks, then the rear windows in the first floor Storage room will both be directly overlooking and giving full view in to our rear garden causing loss of privacy due to the buildings being close together.

I recommend both windows in the storage room to be frosted glass, resolving this issue.

The comment of the neighbour is valid. A condition for obscure glazing of the windows referred to would be reasonable given that the windows would not serve habitable rooms. Subject to such a condition it is considered that there would be no material loss of privacy to the occupiers of the house to the southeast which would adequately form a reason for refusal.

The application property is set between the built forms of a house to the northwest and a house to the southeast. The appearance of the property as proposed would be to a good standard; the proposal is acceptable with regard to Policy QL9.

Letters were sent to occupiers of 3 neighbouring properties. One letter has been received in response as referred to above. The Parish Council has objected but this appears to be a repetition of the objection to the proposal to erect a house to the northwest of Little Oaks. This house has now been built.

## **6. Recommendation**

Approval.

## **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: PO1 and PO2.

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

3. The rear windows to the first floor storage room as shown on approved plan PO1 shall be obscure glazed prior to first use of the first floor accommodation and retained as such.

Reason – In the interest of the residential amenity of occupiers of neighbouring property, in accordance with Policy QL11 of the adopted Local Plan and Policy SPL3, Part C, a. of the emerging Local Plan.

4. Prior to first use of the balcony as shown on approved plan PO1 a visibility screen, of a solid material or obscure glazing, to a height of 1.8m relative to the horizontal surface of the balcony shall be erected on the north-western edge of the balcony and retained as such thereafter.

Reason – In the interest of the residential amenity of occupiers of neighbouring property, in accordance with Policy QL11 of the adopted Local Plan and Policy SPL3, Part C, a. of the emerging Local Plan.

## 8. Informatives

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.

|  |            |           |
|--|------------|-----------|
| <p><b>Are there any letters to be sent to applicant / agent with the decision?<br/>If so please specify:</b></p> | <p>YES</p> | <p>NO</p> |
| <p><b>Are there any third parties to be informed of the decision?<br/>If so, please specify:</b></p>             | <p>YES</p> | <p>NO</p> |