

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	23/07/2020
Planning Development Manager authorisation:	AN	23/7/2020
Admin checks / despatch completed	CC	23.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	23/07/2020

Application: 20/00144/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mrs J Georgiou

Address: 139 Point Clear Road St Osyth Clacton On Sea

Development: Raising the roof to two storey height, side extension and rear extension.

1. Town / Parish Council

St Osyth Parish Council
31.03.2020

Whilst the Parish Council has no objections to this application, Councillors would request that any window overlooking the neighbouring properties be fitted with obscured glass.

2. Consultation Responses

Not Applicable

3. Planning History

20/00144/FUL Proposed rear and side ground floor extension and raising the roof to accommodate rooms. 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

HG14 Side Isolation

EN3 Coastal Protection Belt

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

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is number 139 Point Clear Road, which is a single storey within the development boundary which is set back from the highway comprising of a grassed front garden with tandem parking.

Proposal

This application seeks planning permission for the erection of a rear, side, and raising the roof of the existing dwelling to two storey.

The design of the proposal has been amended to reduce the impact upon neighbouring amenities and the neighbours were re-consulted.

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and coastal protection belt.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The existing dwelling measures approximately 5.5 metres in height. The proposal seeks to raise the roof to approximately 8.4 metres which will result in a 2.9 metre increase to accommodate two bedrooms, an en-suite, a games room and bathroom. The proposal also seeks to extend the dwelling to the side and proposes a single storey rear extension. The application site is set back from the highway and although visible from Point Clear Road, it is not considered to cause any negative impact upon the street scene. Due to there being a mixture of dwellings within the surrounding area, it is considered that the proposal will be in keeping with the character of the area.

The proposal will be constructed from Redland Cambrian grey slates, render, brick plinth and hardie boards. The proposed materials are considered to be in keeping with the character of the area.

Impact upon neighbouring amenities

Policy HG14 of the Tendring District Local Plan (2007) states extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries, with a minimum distance of 1m to ensure that new development is appropriate in its setting, does not create a cramped appearance and to safeguard the amenities and aspect of adjoining residents.

The proposal will be visible to both neighbouring dwellings number 137 and number 141 Point Clear Road. In this case there is a distance of at least 1 metre to both neighbouring boundaries.

Due to the potential of the proposal to result in loss of light to number 141 Point Clear Road, the calculations specified within the Essex Design Guide have been applied. Given the orientation of the host dwelling and its neighbour, and the separation distance that exist ensures that there is no significant loss of light to number 141 Point Clear Road.

There is a first floor window serving the landing to the western elevation however as this is not a habitable room, it is considered that the proposed window will not cause any significant impact upon neighbouring amenities. There is a first floor window proposed to the eastern elevation serving the bathroom. A condition will be imposed to ensure that this will be obscure glazed to reduce any impact upon neighbouring amenities.

At least 100 square metres of private amenity space will remain following the construction of the proposal which is considered adequate.

Coastal Protection Belt

Saved Policy EN3 of the Tendring District Local Plan 2007 and Draft Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development as well as seeking to improve public access to and enjoyment of the coast in accordance with the National Planning Policy Framework.

The proposal will not have a substantial impact on the Coastal Protection Belt as it represents an existing dwelling within a built up area and the proposed extensions are not considered to cause any significant harm to the landscape character of the area.

Other Consideration

St Osyth Parish Council have commented on this application and have stated that whilst the Parish Council has no objections to this application, Councillors would request that any window overlooking the neighbouring properties be fitted with obscured glass.

In response to the Parish Councils comments, the impact upon the neighbours has been addressed within the report.

No letters of representation have been received.

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 plan:

- Drawing no. PC/3C – Amended Elevations – Scanned 02 July 2020
- Drawing no. PC/3C – Amended Floor Plans – Scanned 02 July 2020
- Drawing no. PC/3C – Amended Site Plan and Block Plan – Scanned 02 July 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 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the bathroom to the first floor on the eastern elevation shown on Drawing no. PC/3C – Amended Floor Plans – Scanned 02 July 2020 shall be non-opening and glazed in obscure glass prior to first occupation and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining 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? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO