

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	03/08/2020
Planning Development Manager authorisation:	AN	03/08/2020
Admin checks / despatch completed	CC	03/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	03/08/2020

Application: 20/00724/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr Green
Address: 3 Second Avenue Clacton On Sea Essex
Development: Proposed single storey rear extension (following demolition of conservatory).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

Not applicable.

3. Planning History

95/00060/OUT	(Land adjacent to 1 Second Avenue (No. 3), Clacton on Sea) One dwelling	Approved	02.03.1995
98/00562/FUL	(Land between Nos. 1 & 5 Second Avenue, Clacton on Sea) Proposed 4 bedroom detached dwelling and integral garage	Approved	12.06.1998
99/01395/FUL	Proposed detached residence	Approved	11.11.1999
20/30043/PREAPP	Proposed single storey rear extension.		06.04.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 application property is a detached house on the western side of Second Avenue, Clacton.

Proposal

Proposed single storey rear extension (following demolition of conservatory).

A conservatory would be demolished and replaced with a larger single-storey flat roofed rear extension. The extension would have a solid wall, with a rendered external finish, where it would be adjacent a side boundary with no. 5. The extension would have full height glazed bi-fold doors on the other two elevations, to the rear and to the other side.

The extension would be 3.5m deep by 5.3m wide, some two-thirds the width of the house.

Appraisal

Whilst such a proposal would not normally require planning permission a condition has been found on Planning Permission 99/01395/FUL – Condition 4 states 'Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, no garages, extensions or separate buildings shall be erected without express planning permission.' Consequently this application for planning permission is required.

The proposed development is the same as that illustrated in a pre-application enquiry, 20/30043/PREAPP.

There are no side windows proposed along the boundary line north of the site. There is a bi-fold door proposed on the south elevation, however this elevation is set away from the boundary line and is not thought to have any significant impact on the loss of privacy to the neighbouring dwelling (also set away from the boundary line). Due to the position, size and scale of the proposed rear extension it is thought to not have any significant impact on daylighting and privacy or cause any other material harm to the amenities of the neighbouring properties.

Whilst the extension would be due south of no. 5 and whilst the extension would only 1.1m from the boundary, the limited height of the extension, the plans scaling at 3.2m, would be little more than a standard side boundary fence of 2m in height.

The proposal is located to the rear and will not be visible from the streetscene. Sufficient private amenity space will remain and there will be no impact to parking provisions.

Letters were sent to occupier of 4 neighbouring properties notifying of the application. No response has been received.

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 plan: 01 revision A.

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

8. 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.