

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 three-bedroom semi-detached house on the northern side of Briardale Avenue, a residential area of Dovercourt.

The property has a dropped kerb and on-site parking in the form of a drive.

The attached neighbour, no. 16, has a flat roofed single storey rear extension 3m in depth hard on the common boundary. The attached neighbour is orientated to the southwest.

The neighbour the other side, no. 12, has a two-storey rear bay with a gable roof and appears to be very similar to that proposed in this application.

Proposal

Proposed two storey rear extension.

The extension would be 3.0m deep by 5.9m wide, the full width of the house.

The extension would have a gable end to the roof. The roof to the extension would have a maximum height of 6.5m to the ridge, some 5m to the eaves. The eaves adjacent the boundary with the attached neighbour in the semi-detached pair would be in the form of a box gutter type arrangement with a hopper and rainwater downpipe on the rear elevation.

The extension would create a dining room on the ground floor and an enlarged bedroom on the first floor.

Appraisal

The extension would be of matching materials and have a roof form in keeping with the house which has a shallow pitched side gable roof and appears to date from the sixties or seventies. From aerial photographs it would appear that the extension would resemble a two-storey rear bay that which has been constructed at no. 12 (reference 90/00304/FUL refers). Ground levels fall to the rear of the site, to the north, such that distant views of the rear of the property may be possible from public vantage. However, the design is in keeping with the existing house and well seem to fit its setting well in terms of appearance. The proposal is considered acceptable with regard to Policy QL9.

The property would retain an average rear garden depth to a mid-point along the rear boundary of some 7m. Although ground to the rear falls in level, properties to the rear have rear garden depths of some 10m and it is considered that any overlooking from the rear window of the extension would be no greater in practice than any overlooking from an existing bedroom window.

A flank wall of the extension would restrict outlook from a bedroom window of the attached neighbour, no. 16, but this window has an extensive view over falling ground to Ramsey Creek and the Stour Estuary beyond. A line drawn at 45 degrees from a central point on the plane of the glazing to the neighbours' bedroom window would intersect the flank wall of the extension. However, the proposed extension would project from the north-western elevation of the house so there would be no loss of direct sunlight. With regard to loss of outlook and loss of indirect daylight this is a finely balanced case but given that a two-storey rear bay has been allowed at no. 12 (reference 90/00304/FUL) it is considered that the current proposal is acceptable with regard to the residential amenity of the occupiers of no. 16.

Isolation distances and orientation are such that there would be no material adverse impact to the occupiers of no. 12.

The proposal is considered acceptable with regard to Policy QL11.

The application property would retain a private amenity area of some 88 sq m and is considered acceptable with regard to Policy HG9.

Parking provision would be unaffected by the proposal and the application is acceptable with regard to Policy TR7.

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: 939/RNE/1 and 939/RNE/2.

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.

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