

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 <sup>th</sup> Aug 2020
Planning Development Manager authorisation:	AN	13/08/2020
Admin checks / despatch completed	CC	13/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	13/08/2020

**Application:** 20/00774/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Steve Jackson

**Address:** 23 Eastcliff Avenue Clacton On Sea Essex

**Development:** Proposed single storey rear extension with glazed roof lantern.

### 1. Town / Parish Council

Not applicable.

### 2. Consultation Responses

None received.

### 3. Planning History

20/00774/FUL Proposed single storey rear extension with glazed roof lantern. Current

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 dwelling is a mid-20<sup>th</sup> century detached single-storey bungalow with a north-east facing rear garden. The properties to either side are both two-storey dwellings; No. 21 benefits from a glazed conservatory to the rear which extends approximately 4.3m from its original rear elevation – the boundary treatment is in the region of 1.8m. No. 25 benefits from a single-storey rear extension which extends approximately 3.3m from its original rear elevation – the boundary treatment extends approximately 0.5m above the fenceline of the application site.

### **Proposal**

The application seeks planning permission for a single-storey rear extension. The development extends 4m beyond the original rear wall to the north-west corner of the building and, as a result of a minor 'return' behind the rear building line behind the north-east corner of the building, is 0.2m

deeper at this point to total 4.2m. The development extends the full width of the dwelling and beyond its north-east flank by 1.4m, resulting in a total width of 5m. The extension would have a flat roof with an overall built height of 2.8m with the addition of a centrally-located roof lantern which extends 0.5m above the flat roof. The extension is inset from the north-west boundary (with No. 21) by 0.8m and inset from the north-east boundary (with No. 25) by 1.1m.

### Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposal is sited to the rear of the dwelling and will not be seen from the public domain of Eastcliff Avenue. The rear extension will be constructed externally in contrasting materials but due to the mix of exterior finishes in the area there won't be a significant impact to the character of the existing bungalow or the immediate area. The original dwelling is a little over 11m deep and, in proposing an addition of 4m its scale and design is considered to respect the character and appearance of the host dwelling.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The addition is of a single –storey nature and has no side facing windows proposed. The proposed extension would extend in the region of 1.8m beyond the rear elevation of the addition at No. 25. The height of the extension is approximately 0.8m greater than a permitted boundary treatment of 2.0m. Both neighbouring dwelling benefit from additions; the extension at No. 21 is greater in depth than that currently proposed at No. 23; however as a result of No. 21's rear elevation being 'behind' that of No. 23 the proposed extension would extend in the region of 2m beyond their conservatory. Overall, whilst the extension is likely to be seen by the neighbours, the test is whether the development will materially damage the privacy, daylight or other amenities of occupiers of nearby properties. The height, depth and separation distances to be boundaries will not result in a development that will have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

### Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the

proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal neither decreases the existing parking provision at the site nor results in an additional requirement for parking.

### Material Consideration

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) holds significant weight as a material consideration in the determination of a planning application. The only aspect of the proposed extension which prevents it from being permitted development is the 0.2m deep return behind the original rear elevation which results in an overall depth of 4.2m i.e. 0.2m beyond that permitted. If the extension was contained entirely beyond the original rear wall an express grant of planning permission would not be required.

### Contributions

Two letters of objection were received; these are summarised as:-

Roof height of extension is not dimensioned on plans.	Noted; the plans are scaled.
If roof height is higher than plans indicate (2.8 metres) it will impact on and be detrimental to the enjoyment of our property.	See Impact to Neighbouring Amenities section above.
the room designations on plan shown as existing are different to those prior to commencement of work	This is not a material consideration in the determination of this planning application.
The application drawing 01 Rev A is referred to as a Building Regulation drawing dated April 2020.	This is not a material consideration in the determination of this planning application.
The extension is not 'Permitted Development' within the terms of The Town and Country Planning (General Development Procedure) Order 2015	Noted.
The Party Wall Act 1996 applies.	This is not a material consideration in the determination of this planning application.
The extension is substantial in scale, exceeding the width and eaves height of the host dwelling.	See Design & Appearance_section above.
This will be bulky, not in keeping with the host dwelling, large flat-sided with height it will have an overbearing relationship.	See Design & Appearance section above.
The host dwelling is in the order 70 sq m in size. It follows that the proposal adds some 50% to the floor area.	Noted.
The drawing 01 Rev A presents the host dwelling as a freestanding bungalow and omits the inclusion of a garage structure forming an integral part of the extension. There is no front elevation on that drawing and therefore the built relationship between the extension and the host dwelling and the newly built garage is not demonstrated.	Noted; the plans submitted are considered to adequately reflect the development proposed and, in conjunction with the site visit the Planning Authority have sufficient information to determine the application.
The relationship with adjoining properties is not apparent from the drawing 01 Rev A. The drawings do not show adjoining property outlines and therefore it is impossible for a full assessment to be undertaken unless by accessing adjoining properties.	Noted; the plans submitted are considered to adequately reflect the development proposed and, in conjunction with the site visit the Planning Authority have sufficient information to determine the application.
The design protrudes above the roof plain (the 'fall' on either side) and above the garage roof.	Noted.

Substantial lantern roof presents a source of illumination and this will be visible from adjoining property.	Noted.
The extension will not be subservient to the host dwelling and is a poor design.	See Design & Appearance section above.
In this instance, there is a direct and harmful impact on adjoining properties through roof height and an overbearing structure contributing to overshadowing.	See Impact to Neighbouring Amenities section above.

## 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:- 01A, received 17th June 2020.

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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO