

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	10/08/2020
Planning Development Manager authorisation:	AN	10/08/2020
Admin checks / despatch completed	DB	11/08/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	11/08/2020

Application: 20/00767/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Chris Bloyce

Address: 21 Johnson Road St Osyth Clacton On Sea

Development: Proposed two storey rear extension.

1. Town / Parish Council

St Osyth Parish Council No objections.
17.07.2020

2. Consultation Responses

Not applicable.

3. Planning History

14/00734/FUL Construction of a single storey side and rear extension to provide garage and garden room accommodation. Approved 22.07.2014

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

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

SPL3 Sustainable Design

CP2 Improving the Transport Network

LPG Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application property is a two-bedroom semi-detached side gable roofed house on the southern side of Johnson Road within a residential area of St Osyth.

The house has a flat roofed garage attached to the side, a driveway and dropped kerb onto the highway.

The attached neighbour in the semi-detached pair is to the right-hand side when viewed from the road and then there is the entrance to a primary school.

Proposal

Proposed two storey rear extension.

The two-storey rear extension, to replace a single storey rear extension, would infill an internal corner between the original two-storey rear elevation of the house and the attached garage the rear of which projects beyond the line of the rear elevation of the house.

The proposed rear extension would be 3.7m deep, effectively coming level with a rear extension to the attached neighbour, by 7.7m wide. The extension would have a rear gable roof with a maximum height of some 7.3m, matching the existing height of the roof, and a height to the eaves of some 4.9m, matching the existing height to the eaves.

The extension would have a garden room on the ground floor and two additional bedrooms on the first floor to create a four-bedroomed property.

External walls of brickwork and the tiled roof would match existing materials to the house.

Appraisal

The proposal would not be seen in the street scene and would in itself have an acceptable appearance, matching that of the existing house. The proposal is acceptable with regard to Policy QL9.

The proposal would create accommodation with a deep plan but given the southerly orientation of the rear elevation, the proposal would create a good level of residential amenity to the occupiers. A private amenity area of some 200 sq m would be retained. The proposal is acceptable with regard to Policies QL10 and HG9.

Policy QL11 requires 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, with one criterion being that the development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Policy SPL3, at Part B e., also refers to such requirements.

The application property has two neighbours; no. 23, the attached house to the west, and no. 19, to the east. The proposed built form would be isolated from no. 19 by the width of the existing flat roofed garage and side garden to no. 19. There would be no material adverse impact to the occupiers of no. 19. However, no. 23 has been extended to the rear by an extension which is both single storey and two-storey (reference 05/00608/FUL). This extension can be seen in aerial photography. On the rear elevation of no. 23 a rear window, to bedroom 2 as shown on the approved plans, has been retained on the original rear elevation with two-storey built form projecting deeper to the rear. This arrangement is such that if the current application were to be approved this window would be recessed some 3m between two adjacent first floor built forms. Although bedroom 2 also has a front window and is orientated to the south by southeast, it is considered that there would be insufficient outlook, by reason of a narrow angle of view, to the rear window of bedroom 2. The impact of this is considered to be sufficiently material to form a reason for refusal.

The resulting four bedroom house would retain its garage and driveway. Given that the property is less than 300m as the crow flies from a nominal centre of St Osyth formed by the junction of Colchester Road with Clacton Road and in the light of Government guidance to encourage forms of transport other than the private car, it is considered that a reason for refusal based on car parking provision would not be tenable.

No letters have been received.

6. Recommendation

Refusal.

7. Conditions / Reasons for Refusal

Paragraph 127 of the National Planning Policy Framework (2019) states Planning policies and decisions should ensure that developments: ... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...

Saved Policy QL11 of the adopted Tendring District Local Plan (2007) requires 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, with one criterion being that the development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Policy SPL3, at Part B e., of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) also refers to such requirements.

The Essex Design Guide confirms that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone.

The proposal would fail to retain a sufficient degree of residential amenity to the occupiers of the attached house in the pair of semi-detached houses of which the application property forms part. The proposed first floor built form by reason of its depth in combination with its proximity to a rear window of 23 Johnson Road would create a sense of enclosure and loss of outlook from that window to a degree which, in the opinion of the local planning authority, would represent a material detrimental impact to the residential amenity of the occupiers of 23 Johnson Road. As such the proposal is contrary to paragraph 127 at f) of the National Planning Policy Framework, in that its creation would not have a high standard of amenity, and would be contrary to Policy QL11 of the adopted Local Plan and contrary to Policy SPL3 of the emerging Local Plan.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO