

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	17/08/2020
Planning Development Manager authorisation:	AN	17/08/2020
Admin checks / despatch completed	CC	17/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	17/08/2020

Application: 20/00800/FUL **Town / Parish:** St Osyth Parish Council
Applicant: C/O Agent
Address: 74 Colchester Road St Osyth Clacton On Sea
Development: Proposed extension and alterations.

1. Town / Parish Council

Mr Parish Clerk St Osyth
Parish Council
17.07.2020

The Parish Council would reaffirm its previous objections, submitted on 22nd September 2017, in respect of planning application 17/01342/FUL, in that the Council has strong objections on the basis that this application is deemed a gross over development of a property, the design of which does little to enhance the character or appearance of the Conservation Area.

The differing heights and bulk of the proposed extension and alterations would neither preserve or enhance the character of the area and would do little towards the street scene.

2. Consultation Responses

Essex County Council
Heritage
12.08.2020

Built Heritage Advice pertaining to an application for the proposed alterations and extensions.

The building is located within the St Osyth Conservation Area and is adjacent to the listed building, Ivy Cottage. This is a cottage built circa 1500 with a brick base and exposed timber frame with later alterations and extensions.

The proposal seeks to amend an extant approval, 17/01342/FUL. To extend the rear elevation of the property and link to the rear building. Relative to the existing approval, the proposed is considered to be of no further harm.

Therefore, I have no objection to the proposed.

3. Planning History

17/01342/FUL	Proposed 2 storey extension to rear of garage, following demolition of existing single storey games room.	Approved	03.10.2017
20/00800/FUL	Proposed extension and alterations.	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

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

HG9 Private Amenity Space

HG14 Side Isolation

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

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

Local Planning Guidance

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

Proposal

This application seeks permission for the demolition of the existing single storey games room situated to the rear of the existing garage to be replaced with a two storey games room and utility area. Permission is also sought for a single storey flat roof rear extension following demolition of the existing utility room and wc which will allow direct internal access to the games room. The property of 74 Colchester Road lies within the conservation area and the settlement development boundary of St Osyth. The application site also lies next door to the listed property of Ivy Cottage and is within the designated 'Historic Town' area.

History

A previous application for replacement of the games room with a two storey games room was approved under reference 17/01342/FUL and granted planning permission on 3rd October 2020 which means the permission is still extant.

Design and Appearance

The proposed two storey games room which measures 6 metres in depth, 5.8 metres in width with an overall height of 5.7 metres will be publically visible above the existing garage from Colchester Road, however the single storey rear extension will not be visible from Colchester Road. Whilst the two storey games room element of the proposal will be visible it is set back from the front of the site by at least 25 metres and will be partially screened by the existing garage and dwelling to prevent it appearing as a dominant or harmful feature in the street scene. The two storey games room will be 0.5 metre lower in height than the existing dwelling with a gable end facing Colchester Road which takes the form of the existing garage gable albeit on a larger scale. The external materials will match the existing dwelling, making use of render and plain tiles for the games room and a modern flat roof covering the single storey element with UPVC windows and aluminium folding doors.

The design and scale of the proposals are acceptable and would result in no material harm to visual amenity and are suitable given the size of the application site.

Impact upon residential amenity

To the north of the application site an access path to an electricity substation, the rear of Park Cottages and on through to Botanical Way creates a degree of separation between the application site and the next door neighbour of 76 Colchester Road. The games room is a distance of 0.3 metres from the northern side boundary which does not meet the guidelines set out in Policy HG14 of the adopted Tendring District Local Plan 2007 which seeks a minimum distance of 1 metre to the side boundary however given the divide the pathway to the north creates it is considered acceptable in this instance. To the south is situated the listed building of Ivy Cottage to which the

single storey element of the proposal would lie adjacent and a distance of 1.4 metres to the southern side boundary. A small window is proposed in the front gable of the games room and three roof lights on the southern roof slope situated 1.7 metres above the finished floor level. The south elevation of the games room is a distance of 8.2 metres from the southern side boundary shared with Ivy Cottage, this, along with the raised height of the roof lights will ensure there is no significant impact to this neighbour in terms of overlooking. There are no opening proposed at first floor on the northern or eastern roof slopes or elevations. Whilst the proposal will be visible to adjacent neighbours there is not considered to be any significant material harm from overlooking, outlook or loss of light.

Following construction of the proposal at least two cars can park off the road in tandem on the existing driveway. At least 200 square metres of private amenity space remains which is considered more than adequate.

Heritage

Due to the application site being located within the St Osyth Conservation Area the applicant has submitted a design and access statement in order to explain and justify that the proposal will enhance and preserve the character of the existing dwelling.

Due to the location of the application site within the conservation area and next door to the listed building of Ivy Cottage, Essex County Council Place Services have been consulted for heritage advice. Place Services confirm that they do not object to the proposal giving due consideration to the extant permission. They confirm that the property is located within the St Osyth Conservation Area and is adjacent to the listed building, Ivy Cottage. This is a cottage built circa 1500 with a brick base and exposed timber frame with later alterations and extensions. Place Services go on to say that to extend the rear elevation of the property and link to the rear building, relative to the existing approval, the proposed is considered to be of no further harm.

When taking into account all the elements of the application and considering the planning history with a previously approved application on the site there is not considered to be significant harm to the conservation area that would represent a reason for refusal.

Other Considerations

Three letters of objection have been received which raise the following concerns:

- Out of keeping, scale, size and massing
- Overshadowing
- Overlooking

St Osyth Parish Council object to the application for reasons of overdevelopment of the site, with the design doing little to enhance the character or appearance of the conservation area.

The above points have been addressed in the report. When taking into account all the elements of the application and considering the planning history with a previously approved extant application on the site there is not considered to be significant harm to the conservation area that would represent a reason for refusal.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 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: Drawing no: 0603_A_DD_05 and 0603_A_DD_06.

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 1995 (or any Order revoking and re-enacting that Order with or without modification), the rooflights on the southern roof slope of the games room shown on drawing no: 0603_A_DD_06 shall be set no lower than 1.7 metres above the finished floor level before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class C of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional rooflights except in accordance with drawings showing the siting and design of such alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

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