

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	21/08/2020
Planning Development Manager authorisation:	SCE	21.08.2020
Admin checks / despatch completed	CC	21.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	21.08.2020

Application: 20/00837/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs Cane

Address: 5 Oakwood Avenue Holland On Sea Clacton On Sea

Development: Proposed single storey rear and side extensions, and loft conversion with flat roof side dormer, 5no. velux rooflights and 2no. gable end windows.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

Not applicable.

3. Planning History

20/00837/FUL	Proposed single storey rear and side extensions, and loft conversion with flat roof side dormer, 5no. velux rooflights and 2no. gable end windows.	Current
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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

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application property is a detached bungalow with a front gable roof and a flat roofed single garage to the side. The property has a dropped kerb onto the highway and a driveway in front of the garage of a sufficient length to park one vehicle.

The site is on the western side of Oakwood Avenue not far from the junction with Grenfell Avenue.

Proposal

Proposed single storey rear and side extensions, and loft conversion with flat roof side dormer, 5no. velux rooflights and 2no. gable end windows.

The rear extension would be 3.3m deep and be 11.9m wide, leaving a space 1.5m wide from the side boundary with no. 3 and leaving a space 0.5m wide from the side boundary with no. 7. The rear extension and side extension would conjoin to wrap around a rear corner of the bungalow, the corner nearest no. 7.

The side extension would replace an existing store structure and a covered area with a conservatory type nature. The store and covered area are set behind the garage. The side extension would consist of two elements; a utility room to replace the store and a bathroom to replace the covered area.

The conjoined rear and side extension would have a flat roof 3.1m in height.

Accommodation would be created in the roof of the bungalow by inserting a window in both the front and the rear gable of the existing roof. A flat roofed dormer would be set along the side roof slope facing no. 7. A roof light would also be inserted in the roof slope facing no. 7. Three roof lights would be inserted in the roof slope facing no. 3.

The new accommodation in the roof would be two bedrooms and a bathroom.

Three bedrooms would be retained on the ground floor such that the proposals would change the property from that with three bedrooms to a five-bedroomed property.

Appraisal

The main issues are considered to be the appearance of the property in the streetscene, impact to neighbours and parking provision.

The addition of a window in the front gable would be a feature not seen nearby; the streetscene is characterised by bungalows which clearly appear in the road as being of only a ground storey. The only exception to this is at no. 26 which has front dormers (reference 00/00665/FUL). 26 Oakwood Avenue is on the opposite side of the road and some way along the road; it is certainly not seen in the same sweep of the eye as the application property. Nevertheless, a number of neighbouring properties to the application property have roof lights to side roof slopes and the example of no. 26 shows that a design which retains the overall scale of a property is acceptable in principle.

The side dormer would be on the southern side roof slope, facing towards no. 3, and would be set back more than half way along this side roof slope. The cheek of the dormer nearest the road would be 7m back from the line of the front elevation of the bungalow.

The side dormer would be screened in views from the north by the roof of the bungalow. Given the set back the dormer would be barely seen due to perspective in views directly in front of the property, from the east. The side dormer would to a material extent be partially screened from views to the south by the built form of the bungalow at no. 3.

This is a finely balanced case but the side dormer, and certainly the front gable window, are considered acceptable with regard to Policy QL9. Other elements of the proposed design would not be seen from a public vantage.

With regard to any impact to neighbours, Policy QL11 states that development will only be permitted if a number of criteria are met, 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.

The rear gable window would look over the top of the flat roof of the single storey rear extension, limiting views into rear gardens to the sides of the application property. The rear gable window would be set some 24m from the rear boundary of the application property. The rear gable window in itself would be Permitted Development. It is considered that any overlooking of neighbouring gardens from the rear gable window would not be so material as to reasonably form a tenable reason for refusal of the application.

There would be a ground floor side window to the utility room though this would be a high level window.

Roof lights on side roof slopes would be high level.

The side dormer window would be to a bathroom. It would be reasonable that this be obscure glazed and necessary in that it would ensure that there would be no overlooking of the rear garden of no. 3 or any other property.

The two nearest neighbours, nos. 3 and 7 are orientated to the south and north respectively. Given the orientation there would be no loss of light to no. 3. The rear extension would be 3.1m in height, only some 1.3m greater in height than a standard side boundary fence and this in combination with the limited depth of the rear extension, at 3.3m, leads to a conclusion that any loss of afternoon sunlight to the rear garden of no. 7 would not be so material as to form a reasonable reason for refusal.

The proposal is considered acceptable with regard to Policy QL11.

The property would retain a private amenity area of some 300 sq m. The proposal is acceptable with regard to Policy HG9.

The proposal would create a five-bedroom property. The garage and its driveway would be retained. At the time of the officer's visit to the setting of the site two cars were parked in front of the bungalow and its garage, clear of the highway. Subject to a condition to ensure that three parking spaces are provided at the property, the proposal is acceptable with regard to car parking provision.

Letters of notification were sent to occupiers of 5 neighbouring properties. 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.

3. Prior to first occupation of the roof space as hereby approved three off street parking spaces shall be provided at the property and retained thereafter for vehicle parking.

Reason - To ensure adequate off street parking is provided in the interests of highway safety.

4. The window to the first floor bathroom and the window to the utility room as shown on approved plan 01 revision A shall be obscure glazed and retained as such.

Reason – In the interest of the amenity of occupiers of neighbouring properties in accordance with Policy QL11 of the adopted Local Plan and 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 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