

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	24.08.2020
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Application: 20/00830/LUPROP **Town / Parish:** Clacton Non Parished

Applicant: Mr Craig Green

Address: 3 Dover Close Clacton On Sea Essex

Development: Proposed single storey rear extension 4.0m deep and 3.0m high and loft Conversion with 2 dormer windows.

1. Town / Parish Council

Not Applicable

2. Consultation Responses

Not Applicable

3. Planning History

98/00455/FUL	Kitchen and dining room extension at rear and first floor front bedroom extension	Approved	22.05.1998
87/00567/FUL	Construction of 133 houses, garages, parking spaces, estate roads and ancillary works (submission of part details under permission TEN/1521/86)	Approved	07.07.1987
86/01521/OUT	Construction of mixed resort development to include museum complex, watersport facilities and car park, leisure related complex, sheltered housing apartments, holiday village flats and housing with ancillary shopping	Approved	23.12.1986
20/00830/LUPRO P	Proposed single storey rear extension 4.0m deep and 3.0m high and loft Conversion with 2 dormer windows.	Current	

4. Relevant Policies / Government Guidance

Not Applicable

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site is located to the north of Dover Close. The site serves a detached two storey dwelling constructed from brickwork and painted render, the surrounding streetscene is comprised from dwellings of a similar design and appearance, other materials present throughout the streetscene include painted render, brickwork and boarding. There is a detached dwelling located to the west of the site, the front of the site is laid to lawn with a low wall along the boundary line and a paved parking area located to the west.

Description of proposal

This application seeks the issuing of a Lawful Development Certificate for the proposed development of a single storey rear extension 4.0 m deep and 3.0 m high and loft conversion with 2 dormer windows.

A lawful use certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes'.

Main considerations are;

- Planning history
- General Permitted Development Order
- Conclusion

Planning History

No conditions were found on previous planning applications for the site restricting permitted development rights.

General Permitted Development Order

Single storey rear extension

Class A - the enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted by Class A if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule. **The proposal complies.**

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage. **The proposal complies.**

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse. **The proposal complies.**

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.

The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse. **The proposal complies.**

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which -

- (i) forms the principal elevation of the original dwellinghouse; or
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Not applicable.

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and not extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse or exceed 4 metres in height. **The proposal complies.**

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height

Not applicable.

(h) the enlarged part of the dwellinghouse would have more than a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Not applicable.

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

The enlarged part of the dwellinghouse would be within 2 metres of the east boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres. **The proposal complies.**

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -

- (i) exceed 4 metres in height
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse;

Not applicable.

(k) it would consist of or include

- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse or;

The development would not consist of or include any of the developments listed in points (i) to (iv). **The proposal complies.**

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses). **The proposal complies.**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).

The site dwellinghouse is not on article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions -

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be -
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The single storey rear extension complies with the criterion laid out in Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 and an express grant of planning permission is not required.

Dormer windows

Class B The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

B.1 Development is not permitted by Class B if:-

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use). **The proposal complies.**

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof. **The proposal complies.**

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. **The proposal complies.**

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than:-
- (i) 40 cubic metres in the case of a terrace house
 - (ii) 50 cubic metres in any other case

The property is a detached dwelling and, having a proposed cubic content of 41.4cbm, the resulting roofspace would not exceed the cubic content of the original roof space by more than 50cbm. **The proposal complies.**

- (e) It would consist of or include:-
- (i) The construction or provision of a verandah, balcony or raised platform
 - (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe.

The proposal does not consist of or include the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe. **The proposal Complies.**

- (f) The dwelling house is on article 2(3) land

The dwellinghouse is not on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions:-

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
- (b) the enlargement must be constructed so that :-
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –
 - (aa) the eaves of the original roof are maintained or reinstated
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.
- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be:-
 - (i) Obscure-glazed
 - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposal complies with Conditions B.2 (a) (b) (i) (aa) (bb) and (ii) and (c) (i) (ii)

Interpretation of Class B

B.3 for the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.
B.4 for the purposes of paragraph B.2(b)(ii) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Comments and / or observation received

Clacton is non-parished and therefore no comments are required.

No other letters of representation have been received.

Conclusion

The proposal meets all the relevant criteria as set out above; it is concluded therefore that the proposed development constitutes permitted development and the Lawful Development Certificate should therefore be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes Permitted Development by virtue of the provisions of Schedule 2, Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Informatives

Not Applicable

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