

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	19/08/2020
Planning Development Manager authorisation:	SCE	19.08.2020
Admin checks / despatch completed	DB	19.08.20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	19/08/2020

Application: 20/00819/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr J Bolton and S Jackson

Address: 16 D'Arcy Road St Osyth Clacton On Sea

Development: Proposed part rear ground & first floor extensions to form new living space.

1. Town / Parish Council

St Osyth Parish Council No objections.
17.07.2020

2. Consultation Responses

n/a

3. Planning History

20/00819/FUL Proposed part rear ground & first floor extensions to form new living space. 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
HG9 Private Amenity Space
HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application seeks permission for a two storey and single storey rear extension to a semi-detached house situated within development boundary 1 of St Osyth.

Design and Appearance

The proposed two storey extension will be sited on the north eastern corner of the existing dwelling and will square off the house at this corner by filling in the area created by the existing L shape dwelling. The two storey extension will be finished in brickwork to match the existing house with a GRP flat roof. The flat roof does not match the pitched roof line of the existing dwelling however given its position at the rear of the property it will only be glimpsed from D’Arcy Road when passing by ensuring there will be no significant impact to the character of the existing dwelling or immediate area.

The proposed single storey extension will also be sited on the north eastern corner of the existing house and will adjoin the two storey extension at the rear. It will measure 1.6 metres in depth which ties in with the existing single storey element at the rear. The single storey extension will be finished in matching brickwork and roof tiles.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

Impact upon Residential Amenity

The rear extensions are sited a distance of just over 1 metre from the northern side boundary shared with 18 D’Arcy Road. Due to the close proximity of the extension to the neighbouring property the sunlight/daylight calculations specified in the Essex Design Guide have been applied. The 45 degree line down from the roof of the two storey extension would intercept the only side window at 18 D’Arcy Road which serves a study, however the 45 degree line does not intercept this window in plan. The 45 degree line from the single storey extension will intercept part of the study window in plan but due to the low height of this element will not intercept the window in

elevation therefore the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The two storey extension maintains a distance of at least 1 metre to the northern side boundary shared with the neighbour at 18 D'Arcy Road as required by Saved Policy HG14 of the adopted Tendring District Local Plan 2007, which seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case.

The neighbour at 14 D'Arcy Road which lies to the south will not be significantly impacted by the proposals due to their position on the north eastern side of the existing house.

There is one first floor window on the rear elevation and one high level ground floor window on the northern side elevation with glazed opening doors to the rear and two roof lights on the single storey element sloping roof ensuring that there will be no significant increase in the risk of overlooking.

The proposal is not considered to have any material adverse impact to loss of privacy, loss of light or outlook.

The proposal does not interfere with the existing space for off road car parking and over 150 square metres of private amenity space will remain following the construction of the proposal which is considered more than adequate.

Other Considerations

St Osyth Parish Council has no objection to this application.

No other letters of representation have been received.

Conclusion

In the absence of any 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 plan: DWG No. PO1.

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.

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