

**DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	JD	07/09/2020
Planning Development Manager authorisation:	AN	07/09/2020
Admin checks / despatch completed	CC	07/09/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/09/2020

**Application:** 20/00925/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Spencer

**Address:** 153 Thorpe Road Clacton On Sea Essex

**Development:** Proposed two storey rear extension, single storey side extension with glazed roof lantern and new flat roof.

**1. Town / Parish Council**

Clacton Non Parished

**2. Consultation Responses**

Tree & Landscape Officer 05.08.2020 The application site is constrained by a Tendring District Council Tree Preservation reference 00/25/TPO 153 Thorpe Road, Clacton on Sea.

The protected tree is a Cupressus macrocarpa which is situated on the rear boundary of the property and will not be adversely affected by the development proposal.

There are several smaller trees within the curtilage of the rear garden that are set at such a distance that they will, also, not be affected by the development proposal.

**3. Planning History**

01/01412/TPO	Trim 2 branches of T1 Macrocarpa	Approved	05.11.2001
03/01472/TPO	Cut back Macrocarpa tree.	Approved	18.08.2003
07/01057/TPO	T1 - Macrocarpa - cut back 7 branches overhanging adjacent property.	Approved	06.08.2007
09/00439/TPO	1 No. Monterey cypress - remove dead wood and 2 lower branches growing towards applicants boundary	Approved	02.06.2009
14/00028/TPO	Cupressus Macrocarpa - reduce the height and width.	Approved	04.02.2014

20/00925/FUL Proposed two storey rear extension, single storey side extension with glazed roof lantern and new flat roof. 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

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

Local Planning Guidance

*Essex County Council Car Parking Standards - Design and Good Practice*

#### **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 four-bedroomed detached house on the western side of Thorpe Road. There is a flat roofed double garage attached to the right hand side of the house when viewed from the road.

The property has a block paved "in and out" driveway providing parking.

The property is within the Development Boundary of Clacton.

### Proposal

Proposed two storey rear extension, single storey side extension with glazed roof lantern and new flat roof.

The rear extension would be 6m deep and on the ground floor it would be the full width of the house. The two-storey extension would match the width of the two-storey part of the house and the single storey extension would match the width of the single storey side bay on the house.

The two-storey extension would have a first floor window to each side elevation. One window to a bedroom, the other window to an en-suite.

The proposals also involve an enlarged first floor side window to serve a bedroom; the current window at this position is smaller and serves a toilet.

The proposals would enlarge a kitchen and provide a dining area/seating area on the ground floor and enlarge a bedroom and provide a master bedroom at first floor. An existing bedroom, something of a box bedroom would effectively become an en-suite to the new master bedroom to the rear of the house. The property would remain a four-bedroomed property.

### Appraisal

The two main considerations are considered to be the appearance of the proposal and impact to neighbours.

Ample parking provision would remain and the private amenity area would also remain an ample size.

The changes relate to the rear of the property and as such would not be seen in the streetscene. The streetscene is of a very varied nature; the application house is set between bungalows to both sides. Whilst the upper level of the two-storey rear extension would be seen in oblique views in the streetscene, the design of the two-storey element of the rear extension, having an end gable roof with a slightly lower ridge than the existing roof, would complement and be in keeping with the existing house.

The proposal is considered acceptable with regard to Policy QL9.

Policy QL11 is concerned with, broadly speaking, adverse impact to the residential amenity of occupiers of neighbouring property. Development will only be permitted if a number of criteria are met, one criterion being that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Given the situation with a pandemic the proposal has been assessed by viewing aerial and street view photography.

The property would retain a rear garden depth of some 34m. Properties to the rear would be sufficiently distant such that no material overlooking would result.

The bungalow to the south, 151 Thorpe Road, is a bungalow with a rear elevation slightly deeper into its plot than the existing rear elevation of the application property. A toilet window would be replaced by a slightly larger bedroom window in the proposal. However, this new window would look across the flat roofed side bay onto the roof of 151, in the same way as a staircase window does at present; the new window would not look onto the amenity area immediately behind the rear elevation of 151. A new window, to an en-suite, would also look towards 151 but it would be reasonable to impose a condition that the en-suite window be obscure glazed. Having examined the detail of the proposed design it is considered that the proposal would be acceptable with regard to the privacy of the occupiers of no. 151.

A first floor side window to a bedroom would replace an existing rear window. This would look towards the bungalow to the north, 155 Thorpe Road. However, the window would look across an isolation space of some 5m (the space behind the existing double garage) onto the side roof slope of a gable roof to a detached garage at 155. The amenity area immediately behind the rear elevation of 155 would be screened by the roof of its detached garage.

It is considered that there would be no material loss of privacy to any neighbour to a degree that could reasonably justify refusal.

The nearest neighbouring properties are orientated to the south by southwest, no. 151, and to the north by northeast, no. 155.

The single storey element of the proposed extension would be to the north by northeast of no. 151 and have a height not much greater than that of a standard side boundary fence. Given this and given that the two-storey element would be some 4m off the common side boundary, there would be no material loss of amenity in terms of indirect light or outlook to the occupiers of no. 151.

The two-storey element would be some 5m from the common side boundary with no. 155. The area immediately behind the rear elevation of 155 is further isolated by the width of the garage serving 155. There would be no material loss of amenity in terms of indirect light or outlook to the occupiers of no. 155.

The proposal is considered acceptable with regard to Policy QL11.

The comment of the Tree & Landscaping Officer is noted. Having viewed aerial imagery of the site, the proposals can be seen to have no adverse impact to trees. The proposal is acceptable with regard to trees.

Letters were sent to 5 neighbouring properties. There has been no response.

**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. The window to the en-suite shower-room as shown on approved plan 01 Revision A shall be obscure glazed and retained as such unless the prior written approval is given by the local planning authority to any variation.

Reason – In the interest of the amenity of occupiers of neighbouring property 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.

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