

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	15/10/2020
Planning Development Manager authorisation:	TC	22/10/20
Admin checks / despatch completed	DB	22/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	22/10/2020

Application: 20/01166/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Ian Wright

Address: 101 Frinton Road Holland On Sea Clacton On Sea

Development: Variation of condition 2 (drawings) for approved application 19/01799/FUL to change rear elevation window to Bedroom 1 to a Juliet balcony.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

19/01799/FUL	Alterations and additions to existing bungalow and detached garage.	Approved	19.02.2020
20/01074/NMA	Non-material amendment to application 19/01799/FUL to install inward opening French doors to first floor bedroom 1 with Juliette balcony in lieu of window.		
20/01166/FUL	Variation of condition 2 (drawings) for approved application 19/01799/FUL to change rear elevation window to Bedroom 1 to a Juliet balcony.	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
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks to vary the approved plans of planning permission 19/01799/FUL. The original application granted planning permission for the renovation of the existing single storey detached bungalow into a one and a half storey dwelling, extended to the south western side and the north western side. The proposals include a new double garage. The current proposal seeks to change the rear facing first floor window serving bedroom one to a Juliet balcony with double doors and glass balustrade.

Assessment

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed and relate satisfactorily to their setting. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed change will take place at the rear of the property ensuring no significant impact to the street scene. The visual impact of the new Juliet balcony at the rear will not be detrimental to

the approved extension design. The double doors will be appropriately positioned centrally at first floor on the rear gable end.

The proposed Juliet balcony would have views to the rear however this would have been the case with the window located in the same position. The Juliet balcony serves a bedroom which is not considered to be used as a living area throughout the day and is deemed acceptable ensuring that there is no significant risk of overlooking or loss of privacy meeting the standards of Policy QL11 of the Tendring Local Plan (2007) and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The neighbouring properties were notified by letter of the proposed change and no representations have been received.

The previous planning permission 19/01799/FUL has already been implemented and there is no need to re-impose the time limit condition.

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 carried out in accordance with the following approved plans: Drawing No WFR-01 Revision G and WFR-02 Revision A.

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

