

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	15 <sup>th</sup> Oct 2020
Planning Development Manager authorisation:	TF	16/10/2020
Admin checks / despatch completed	DB	16/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	16/10/2020

**Application:** 20/01032/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Haydon

**Address:** 22 Lancaster Gardens East Clacton On Sea Essex

**Development:** Proposed first floor extension over garage to form master bedroom.

### **1. Town / Parish Council**

No comments received

### **2. Consultation Responses**

No comments received

### **3. Planning History**

99/00880/FUL	Demolition of existing garage, extension to form new garage and utility room	Approved	26.07.1999
20/01032/FUL	Proposed first floor extension over garage to form master bedroom.	Current	

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

CL17 'The Gardens' Area of Special Character

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL12 The Gardens Area of Special Character, Clacton-On-Sea

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### Site Description

The Gardens area off the seafront in east Clacton was laid out in the 1920's and 1930's as a low density residential area of high quality. The property is finished mainly in a self-coloured roughcast render with tile-hanging feature between the ground and first floor two-storey bay windows, a similarly-tiled catslide roof extends across the remainder of the front elevation. The existing garage is the result of approved application 99/00880/FUL which proposed the demolition of existing garage and extension to form new garage and utility room.

### Description of Proposal

The application proposes extending at first floor level above the existing garage. As submitted, the floorplan was shown as extending to the full width of the plot; revised amended plans were negotiated in-setting the first floor one metre from the boundary. The extension would be 3.8m wide and a little under 7.3m deep; a 1.0m deep enclosed balcony is proposed. The eaves are in the region of 5.6m and match the existing eaves – the ridge is at 7.6m and hipped at both the front and rear – matching the existing built form. Internally the extension would provide an additional bedroom.

### Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

### Side Isolation:-

The District Planning Authority considers that the side spaces created between buildings are of the utmost importance in areas of medium and low density housing. In such areas, development up to a common side boundary normally appears cramped, often creating an unbalanced terraced effect. Indeed, in many locations even the minimum one metre side isolation space between a dwelling and the side boundary of the site, as specified in the policy, would appear unsatisfactory visually. In such instances larger side isolation space will be required.

A further reason for maintaining an appropriate side isolation space is to ensure that the impact of residential development on the amenities of adjoining residents is of an acceptable level, without new structures or buildings appearing too close and over dominant, or resulting in overlooking and serious loss of aspect, or daylight. Moreover, if an adjoining plot is undeveloped, to allow buildings up to the common boundary could prevent the satisfactory development of the adjoining site at a later date and prejudice the amenities of future neighbours.

Policy H14 requires that proposals for extensions to dwellings over 4 metres in height, will be required to retain appropriate open space between the dwelling and the side boundaries of the plot to ensure that new development is appropriate in its setting, does not create a cramped appearance, to safeguard the amenities and aspect of adjoining residents and, in the case of undeveloped adjacent plots their satisfactory development at a later stage.

Being a first floor side extension it is highly visible in the public domain. The extension is over 4m in height and the amended plans inset the extension 1m from the side boundary. The scale of the extension proposed is considered to respect both the original dwelling and wider streetscene in general.

#### “The Gardens” Area of Special Character

Although not designated as a Conservation Area, the district planning authority nevertheless considers that the "Gardens Area" of Clacton is an area of special environmental character which warrants a local planning policy to provide additional protection against inappropriate forms of development.

The four roads comprising the "gardens area" were laid out in the 1920's and 1930's along formal lines as a residential area of high quality enhanced by seven acres of long formal public gardens containing mature trees. These gardens separate parallel street blocks comprising of nineteen acres of large dwelling plots. The 120 existing properties within the area are characterised by large, mostly inter-war, single family detached residences on generous frontages. This combination of formal public gardens, large detached houses has resulted in a sedate residential area of Arcadian-character unique in the Clacton area.

Policy CL17 requires development within “The Gardens” area of east Clacton shall have particular regard to the special character and appearance of the area. Development shall generally conform to the existing building line, extensions should use matching materials and respect the architectural integrity of the existing building and new development will generally conform to the existing density of development and avoid proposals which would result in a cramped or incongruous appearance in the street scene. These objectives are supported by emerging Policy PPL12 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Being a first floor side extension it is highly visible in the public domain. The scale of the extension proposed is considered to respect both the original dwelling and wider streetscene in general. The application shows the external finishes and overall appearance respect the architectural integrity of the existing building. By in-setting the extension 1m from the boundary the proposal would not result in a cramped or incongruous appearance in the street scene.

#### Impact to Neighbouring Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The extension is contained entirely within the envelope of the existing built form and, although a glazed balcony is proposed, No. 22 is sited entirely behind the rear elevation of No. 24 to the north. It is also considered that the built-relationship between No. 22 and No. 24 is such that there is no reason to condition the installation of side-facing windows – the installation of such is controlled through the General Permitted Development Order. For these reasons the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

## Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Although the proposal results in the creation of a further bedroom, ample space exists on the hardstanding to accommodate the two spaces required.

## **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:- 1809-P01 B, received 7th October 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

## **8. Informatives**

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO