

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 th Oct 2020
Planning Development Manager authorisation:	SCE	20.10.2020
Admin checks / despatch completed	CC	20.10.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	20.10.2020

Application: 20/01136/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Chris Bloyce

Address: 21 Johnson Road St Osyth Clacton On Sea

Development: Proposed two storey rear extension (resubmission of 20/00767/FUL).

1. Town / Parish Council

Parish Clerk St Osyth
Parish Council No objections.

2. Consultation Responses

No comments received

3. Planning History

14/00734/FUL	Construction of a single storey side and rear extension to provide garage and garden room accommodation.	Approved	22.07.2014
20/00767/FUL	Proposed two storey rear extension.	Refused	11.08.2020
20/01136/FUL	Proposed two storey rear extension (resubmission of 20/00767/FUL).	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

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application property is a two-bedroom semi-detached side gable roofed house on the southern side of Johnson Road within a residential area of St Osyth.

The house has a flat roofed garage attached to the side, a driveway and dropped kerb onto the highway.

The attached neighbour in the semi-detached pair is to the right-hand side when viewed from the road and then there is the entrance to a primary school.

Proposal

Proposed two storey rear extension (resubmission of 20/00767/FUL).

The two-storey rear extension (which would replace a single storey rear extension), would infill an internal corner between the original two-storey rear elevation of the house and the attached garage - the rear of which projects beyond the line of the rear elevation of the house.

The proposed rear extension would be 3.7m deep, effectively coming level with a rear extension to the attached neighbour, by 7.7m wide. The extension would have a rear gable roof with a maximum height of some 7.3m, matching the existing height of the roof, and a height to the eaves of some 4.9m, matching the existing height to the eaves.

The extension would have a garden room on the ground floor and two additional bedrooms on the first floor to create a four-bedroomed property.

External walls of brickwork and the tiled roof would match existing materials to the house.

Relevant History

The current application is identical to the previous application 20/00767/FUL which was refused on the grounds of the development representing a materially-detrimental impact on the residential amenity of the occupiers of 23 Johnson Road.

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.

The proposal would not be seen in the streetscene and would in itself have an acceptable appearance, matching that of the existing house. The proposal is acceptable with regard to Policy QL9.

Policy QL11 requires that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if a number of criteria are met, with one criterion being that the development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Policy SPL3, at Part B e., also refers to such requirements.

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 application property has two neighbours; no. 23, the attached house to the west, and no. 19, to the east. The proposed built form would be isolated from no. 19 by the width of the existing flat roofed garage and side garden to no. 19. There would be no material adverse impact to the occupiers of no. 19. With regard to 23 Johnson Road, the attached neighbour, has been extended to the rear by an extension which is both single storey and two-storey (reference 05/00608/FUL). The single storey element is closest to the application property. Contrary to the approved plans for 05/00608/FUL, there is no rear window at first floor above the single storey rear extension of no. 23. Rear windows to no. 23 are level with the line of the rear elevation of the proposed extension or on the far side away from the proposal. There would be no adverse impact to the occupiers of no. 23.

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.

The resulting four bedroom house would retain its garage and driveway. Given that the property is less than 300m as the crow flies from a nominal centre of St Osyth formed by the junction of Colchester Road with Clacton Road and in the light of Government guidance to encourage forms of transport other than the private car, it is considered that a reason for refusal based on car parking provision would not be tenable.

6. Representations

A site notice was posted. Letters of notification were sent to occupiers of 4 neighbouring properties. No response has been received.

St Osyth Parish Council has written to confirm that it has no objections.

7. Other Material Considerations

A material consideration has been put forward to the Planning Authority which is that a window which was believed to have existed is not in place where the neighbours' property has not been constructed as per approved plans. This consideration holds significant weight as a material consideration.

8. Recommendation

Approval - Full

9. 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 and documents:- P01 (received 18th August 2020) and P02b (received 26th August 2020).

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

10. 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?		NO
Are there any third parties to be informed of the decision?		NO