

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	04.11.2020
Planning Development Manager authorisation:	SCE	04.11.2020
Admin checks / despatch completed	DB	05/11/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/11/202

**Application:** 20/01143/FUL **Town / Parish:** Wix Parish Council

**Applicant:** Mr R Smith

**Address:** 3 Clacton Road Wix Manningtree

**Development:** Two storey side extension.

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

Wix Parish Council                      No comment

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

03/01762/FUL                      1st floor rear extension and conservatory and loft conversion                      Refused                      28.10.2003

20/01143/FUL                      Two storey side extension.                      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

HG14 Side Isolation

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Proposal**

This application seeks permission for the erection of a two storey side extension

### **Application Site**

The site is located to the west of Clacton Road, within the development boundary of Wix. The site serves a brick-built two-storey semi-detached dwelling. The surrounding area is comprised of a mixture of semi-detached two storey dwellings and bungalows.

### **Assessment**

### **Design and Appearance**

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 proposed extension will be located on the south side of the dwelling, it will be of a two storey nature and will measure 6.7 metres high, 3.2 metres wide and 8.7 metres deep. The overall height of the proposed side extension will not exceed the existing roof height and so the proposal appears subservient to the existing dwelling. The proposed side extension is considered to be of a size and scale appropriate to the existing dwelling and surrounding area. The application site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space.

Policy HG14 of the Tendring District Local Plan 2007, ensures that new development does not result in over-development, unsympathetic change, and loss of amenity. 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. As a guideline a minimum distance of 1 metre will be sought, where circumstances warrant it, a greater distance will be expected. The proposed two-storey side extension will be constructed 1 metre from the shared neighbouring boundary and is considered to comply with Policy HG14.

The proposal will be constructed using matching brickwork to that of the existing dwelling at ground floor level and mid grey boarding at the first floor level. The roof will be pitched and finished in matching red tile to that of the existing. The use of boarding will be introducing a new material to the dwelling, however this is a traditional material used widely throughout construction and is considered to be acceptable in this instance. The proposal will be visible to the streetscene but it not considered to cause any adverse effects to the visual amenities of the area.

#### Impact to Neighbouring Amenities

The NPPF, Paragraph 17, 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 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 proposed side extension will be constructed 1 metre from the neighbouring boundary line south of the site. There is one new window proposed on the first floor side elevation, one on the first floor rear elevation and one at the first floor front elevation which will cause additional outlook onto neighbouring properties, however as the existing dwelling already has windows on the first floor level at the side, rear and front elevation the adjacent properties are already overlooked by the dwelling. The addition of these windows is not thought to cause a new significant impact on the loss of privacy to the neighbouring dwellings.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line would intercept the existing window on the side elevation of the neighbouring property in plan but not in elevation, any loss of light caused by the proposal is therefore not considered significant enough as to justify refusing planning permission.

The proposed two-storey side extension is therefore not considered to have any significant impact on the loss of privacy nor light, nor to cause any other harm to amenities of the adjacent neighbours.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Wix Parish Council have made no comments on the application

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

**6. Recommendation**

Approval - Full

**7. Conditions / Reasons for Refusal**

- 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; Drawing No. 1861-02 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.

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

**If so, please specify:**

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