

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	10.11.2020
Planning Development Manager authorisation:	SCE	10.11.2020
Admin checks / despatch completed	ER	11.11.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	11/11/2020

Application: 20/01279/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Millard and Ms Burke

Address: 9 Barrington Gardens Clacton On Sea Essex

Development: Proposed single storey side extension.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

20/01279/FUL Proposed single 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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is 9 Barrington Gardens, Clacton-On-Sea, a semi-detached dwelling located within the development boundary of Clacton-On-Sea.

Proposal

This application seeks planning permission for the erection of a single storey side extension, following the demolition of an existing utility space. The proposal would measure 8.6 meters in length, 1.9 metres in width with an overall height of 2.8 meters and will accommodate an extension to the existing kitchen.

Assessment

The design and appearance and impact on neighbouring properties are the main considerations for this application.

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.

This proposal is a single storey flat roof construction located to the left side of the host dwelling which will be visible from the streetscene of Barrington Gardens. However the nature of the extension to replace an existing utility space, would mean that the visual impact on the streetscene

would be negligible. The proposed would also utilise materials and finishes consistent with the host dwelling, further reducing the impact of the structure.

Impact on 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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties to this proposal are 7 and 11 Barrington Gardens. The individual impacts of this proposal will therefore be assessed below.

Impact on No. 7

The proposal would be setback away over 2 meters from the boundary separating the two properties and would constitute a design and scale similar to the existing utility space. The single storey profile of this development would also mean that the proposal would be mostly obscured from view by the existing garage to the rear and fence line. The extension features some side windows and an access door, which faces towards No. 7. However, the presence of the remaining boundary fence would ensure that the privacy of this dwelling would remain uncompromised. As a result, it is deemed that this development would not have a materially damaging impact on the privacy, daylight or other amenities of No.7.

Impact on No. 11

The proposal would be entirely obscured from the view of No. 11 by the existing host dwelling. As such, it is deemed that this development would not have a materially damaging impact on the privacy, daylight or other amenities of No.11.

Highway issues

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

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

- 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 plans; Drawing No. PJBG-01.

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO