

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	06/01/2021
Planning Development Manager authorisation:	TC	07/01/2021
Admin checks / despatch completed	DB	07/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07.01.2021

**Application:** 20/01599/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Gilders

**Address:** 118 Chapel Road Brightlingsea Colchester

**Development:** Proposed rear extension, conservatory and new roof to form additional accommodation.

### 1. Town / Parish Council

Brightlingsea Town  
Council  
11.12.2020

Brightlingsea Town Council make no comment on this application.

### 2. Consultation Responses

n/a

### 3. Planning History

14/30055/PREAPP	Construction of one bedroom bungalow to rear of 118 Chapel Road.	Refused	21.03.2014
20/01599/FUL	Proposed rear extension, conservatory and new roof to form additional accommodation.	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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal**

### **Proposal**

This application seeks permission for a rear extension and new pitched roof with raised ridge height to allow for first floor accommodation, with a side dormer and rear conservatory to a detached bungalow located within the settlement development boundary of Brightlingsea.

### **Design and Appearance**

The footprint of the existing bungalow is being extended to the rear by 2.85 metres over which the new pitched roof increasing in height by 1.2 metres will be constructed. The eaves will be maintained at the existing height ensuring the eaves stay low level and in proportion to the neighbouring bungalow of 116 Chapel Road. The proposal will take on a similar form to the property at 116 Chapel Road ensuring number 118 will not look out of place in the street scene. The extension and new roof will be constructed with matching brickwork and roof tiles. The new gables will be clad in weatherboarding with the face and cheeks of the cat slide dormer matching in finish to tie it all together. A new traditional conservatory at the rear will be sited centrally.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

### Impact upon Residential Amenity

The rear extension is a distance of 1 metre from the northern side boundary shared with 120 Chapel Road, while a distance of 2 metres exists between the rear extension and the southern side boundary shared with 116 Chapel Road.

Due to the orientation and position of the existing dwelling in relation to the neighbouring properties there will be no material adverse impact to loss of privacy, loss of light or outlook to the properties of 116 and 120 Chapel Road. The side dormer serves a bathroom of which the side facing window will be obscure glazed.

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary which in this case has been met on each side.

There is no change to the off road parking provision. The existing driveway provides sufficient off road car parking for at least two cars that meets the car parking standards where one space measures 2.9 metres x 5.5 metres.

Over 230 square metres of private amenity space remain to the rear following the construction of the proposal which is considered more than adequate.

### Other Considerations

Brightlingsea Parish Council make no comment.

One letter of representation has been received from a neighbour which states *'The rear access to 118 Chapel Road, into the property boundary is via the driveway from Robinson Road belonging to no. 116. Whilst no.118 has permitted access, any trade vehicles, skips, debris or related items should not be left on the drive during the proposed build/renovation period, as this access is in daily use by vehicles from no. 116'*. This is not a planning consideration.

No other letters of representation have been received.

### 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 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: DWG. NO. P01.

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?</b> <b>If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	NO