

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	06/01/2021
Planning Development Manager authorisation:	SCE	08.01.2021
Admin checks / despatch completed	CC	08.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	08.01.2021

**Application:** 20/01531/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr & Mrs Ganguly

**Address:** 12 Sladburys Lane Clacton On Sea Essex

**Development:** Variation of condition 2 (approved plans) of approved application 19/00962/FUL to replace drawings no. 12/SLH/3 and 12/SLH/4 with drawing no. 1828-P01g to reflect minor changes.

**1. Town / Parish Council**

Clacton is non parished

**2. Consultation Responses**

Not applicable

**3. Planning History**

19/00962/FUL Proposed two storey front and rear extensions. Approved 20.11.2019

20/01531/FUL Variation of condition 2 (approved plans) of approved application 19/00962/FUL to replace drawings no. 12/SLH/3 and 12/SLH/4 with drawing no. 1828-P01b to reflect minor changes. 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)  
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)**

### Site Description

The application site is located to the east of Sladburys Lane, inside the development boundary of Clacton on Sea. The site serves a detached chalet style dwelling with a large pitched roof dormer window on the front elevation and an existing conservatory located to the rear. The dwelling is constructed of rough render with a painted black plinth, and black decorative boarding on the gable of the dormer and between the front elevation windows. The front of the site is laid to lawn with a concrete driveway leading to an existing detached garage which is set behind the dwelling. Mature trees are planted on the front boundary adjacent to the footpath. The rear of the site is laid to lawn with a small outbuilding, gravel patio area, fencing on the side boundaries and a high hedge on the

### Proposal

This application is a variation to condition 02 of the previously approved 19/00962/FUL - "Proposed two storey front and rear extensions." This application seeks the below changes to 19/00962/FUL

- Removal of front extension
- Increase of rear extension depth to 5.3m at ground floor and 7.4m at first floor.
- Reconfiguration of openings along the side and rear elevations.
- Change of materials from approved render to cedar cladding.

### Assessment

The main considerations of this application are the design, impact on residential amenity and parking.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and

protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Saved Policy HG14 of the Tendring District Local Plan (2007) requires that extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance as well as to safeguard the amenities and aspect of adjoining properties. As a guideline a minimum distance of 1 metre will be sought.

### Design

The removal of the front extension would not have an impact to the previously approved application and would retain the appearance of the existing house.

With regards to the rear extension, there will be no views of this development possible from Sladburys Lane, so the development will not have any adverse impact upon the street scene. The roof of the proposal will comprise of roof tiles to match the dwellings whilst the walls will be finished in cedar cladding. Whilst the use of cladding is not consistent with the main dwelling the proposal will be to the rear and due to the set back of the host dwelling will not be publicly visible. The use of this material will therefore not result in a harmful impact to the dwellings existing appearance or character. The rear extension will be located in excess of 1m from either side boundary and will not result in a cramped appearance. The extension will only extend 5.3m into the rear garden, whilst the existing conservatory extends 5.5m. Therefore, adequate private amenity space will continue to be retained for the occupiers of the property and overall the development is considered acceptable in design terms.

Due to the dwellings set back the reconfiguration of the openings will not have a harmful impact to the overall appearance of the dwelling.

### Impact on Residential Amenity

The proposed development will be located approximately 3.2m from the neighbour to the south, No. 10 Sladburys Lane (a chalet bungalow), and 4m from the neighbour to the north, No. 14 Sladburys Lane (a bungalow). Also located between the extension and the neighbour to the south is the existing detached garage.

The 45 degree rule contained within the Essex Design Guide has been applied to this development. Due to the separation between the extension and the side boundaries and the position of the actual neighbouring properties within their plots, there is not considered to be any significant adverse impact on the sunlight or daylight that is currently experienced by neighbouring property that would warrant the refusal of planning permission. Whilst some loss of outlook may be experienced by No. 10 from their rear conservatory this property is to the south of the application site and the reduction in height of the extension due to the lowered ground level, is considered to improve the impact of the development on this neighbour, and once again, whilst it is appreciated that some impact may occur, this is not considered significant enough to refuse planning permission.

The proposed extension proposes new windows at first floor level on both of the existing side elevations of the main dwelling. These windows will serve a landing, ensuite and bedroom which are not primary living areas and are small in size resulting in any views being limited. The loss of privacy in this instance would not be so significant to refuse planning permission upon. To protect the privacy and amenity of adjoining neighbours a condition is imposed to ensure this obscure glazing is retained as such at all times. With regards the insertion of 2 no. roof lights of the roof plane of the rear extension, these will give views skywards and will not cause concerns regarding loss of privacy or overlooking towards either neighbour.

Overall, whilst some impact may occur as a result of the development, the impact on the daylight, privacy and other amenities of adjoining neighbours is not considered significant enough to warrant the refusal of planning permission.

### Parking

The proposed variation to the previously approved application will not amend the arrangements for parking and a minimum of two parking spaces shall be retained at the site in line with the Essex county Council Parking Standards. The proposal will therefore not contravene highway safety.

### Other considerations

Clacton on Sea is non parished and therefore no comments are required.  
No 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, and 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 commence prior to the 20th November 2022.

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: 1828 P01g.

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

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows on the existing north side elevation serving the bedroom and ensuite, and the first floor window on the south side elevation serving the landing shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

## **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.