

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	13/01/2021
Planning Development Manager authorisation:	TF	13/01/2021
Admin checks / despatch completed	ER	13/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	13.01.2021

Application: 20/01760/HHPNOT **Town / Parish:** Clacton Non Parished

Applicant: Mr R Peartree

Address: 70 The Avenue Clacton On Sea Essex

Development: Single storey rear extension, 3.90m depth and 2.61m height.

1. Town / Parish Council

Clacton non parished

2. Consultation Responses

Not Applicable

3. Planning History

20/01760/HHPNOT Single storey rear extension, Current
3.90m depth and 2.61m height.

4. Relevant Policies / Government Guidance

Not Applicable

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 10th 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 26th 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)

A prior notification has been received in relation to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), Schedule 2, Part 1 Class A for a rear extension 5m in depth and 3.7m in height at 70 The Avenue, Clacton On Sea, Essex, CO15 4ND.

One objection has been received from the adjoining neighbour. As an adjoining occupier has objected, the prior approval of the Local Planning Authority is required as to the impact of the proposal on the amenity of all adjoining premises, taking into account the representations made.

Impact on Neighbouring Amenity

The objections made can be summarised and addressed as follows:

- Concerns over loss of Light
- Concerns over loss of Privacy.

The adjoining neighbour is sited to the north east of the site meaning that they receive a large amount of sunlight mainly in the mornings.

The proposal comprises of a flat roof design, which is slightly set off from the boundary by 0.2m. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line in plan would encompass this neighbours rear opening however in elevation the 45 degree would catch the lower section of this window. The proposal will therefore result in loss of daylight to the neighbour but this harm would not be so significant as to justify refusing planning permission on these grounds.

Whilst there is some boundary fencing this is limited at present however it could be increased under permitted development to a 2m high boarded fence if desired. This would provide further screening of the proposal.

Regard must also be had to the scenario whereby a 3 metre deep extension of similar height would constitute permitted development which would result in some loss of light to the neighbour.

The proposed extension is single storey with no windows overlooking the adjoining neighbour. The only openings proposed are sited to the rear.

Conclusion

As a result of the Sunlight/ daylight calculations provided by the Essex Design Guide and the flat roof design of the proposal this harm is not considered to represent substantial harm to justify refusing planning permission on these grounds.

No material harm would result to any other adjoining occupiers by virtue of the separation distance and the minor nature of the proposal.

Prior approval is therefore granted.

6. Recommendation

HHPN - Prior Approval Is Given

7. Conditions

1 Drawing No 01.

8. Informatives

Not applicable