

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AP	22/12/2020
Planning Development Manager authorisation:	TC	22/12/2020
Admin checks / despatch completed	CC	22.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	22/12/2020

**Application:** 20/01504/FUL **Town / Parish:** Brightlingsea Town Council  
**Applicant:** Mr A Sauka  
**Address:** 17 Whitegate Road Brightlingsea Colchester  
**Development:** Proposed two storey and single storey extensions and alterations to existing dwelling.

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

Brightlingsea Town Council Supports application

### **2. Consultation Responses**

n/a

### **3. Planning History**

10/60100/HOUEN Q	To add a new fence around the boundry line of 6ft to mantain privacy to rear garden.		04.08.2010
10/01361/FUL	2 storey side extension.	Withdrawn	25.01.2011
11/00278/FUL	Two storey side extension.	Refused	09.05.2011
11/01444/FUL	Relocate boundary fence to encompass part of side garden. Associated landscaping scheme.	Approved	30.01.2012
20/01504/FUL	Proposed two storey and single storey extensions and alterations to existing dwelling.	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

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 planning permission for a two storey side and single storey rear extension to a semi-detached house located within the settlement development boundary of Brightlingsea.

### **Design and Appearance**

The two storey side extension is set back from the front elevation of the existing house by 0.5 metres with a lower ridge height and a pitch which matches the existing roof. A further two storey element, joining the rear of the side extension is set in from the side elevation, with lower eaves and ridge to ensure that the extensions remain subservient to the main dwelling. The proposed single storey rear extension is built to the northern side boundary shared with 19 Whitegate Road.

The materials will match the existing house of brickwork, roof tiles and UPVC windows and doors which will help the extensions assimilate with the existing dwelling as well as the other dwellings of similar materials and style on the estate.

The existing dwelling holds a prominent position on a corner plot as you enter the housing estate from Hurst Green, however the siting of the dwelling at an angle to the highways ensures the extensions will also angle away from the highway boundaries so as not to create an overbearing effect as you travel from Hurst Green along Link Road. In addition, the existing 2 metre high laurel hedge on the side boundary with Link Road will remain and offer a green divide from the highway, partially screening the lower level of the extensions. The side extensions will be visible in the street scene although they will not have a significant impact on it.

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

#### Impact upon Residential Amenity

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 where the southern side boundary is adjacent to Link Road a distance of 2.26 metres is maintained. A distance of 5.3 metres has been maintained from the two storey extension to the northern side boundary shared with 19 Whitegate Road. The single storey rear extension is a maximum of 3.1 metres in height and does not therefore fall within this criteria.

The neighbour at 19 Whitegate Road benefits from a rear conservatory which is built close to the shared boundary with 17 Whitegate Road. The side of the conservatory facing number 17 is a brick wall. Taking these factors into account and the distance of the two storey extension from the neighbouring property of number 19 there will be no significant loss of light to this neighbour.

A new rear first floor window will serve a bedroom and will not significantly increase the risk of overlooking given it is a room that will not be lived in during the day. The Essex Design Guide stipulates that where the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required. The rear elevation of the new extension is a distance of 35 metres from the rear elevation of the dwelling of 34 Hurst Green and also at a slight angle, in addition the garages of these properties and mature trees offer further screening to prevent direct overlooking.

The new first floor windows on the southern side elevation will serve an en suite, there is no increased risk of overlooking as this window is in a similar position of the existing landing window.

Policy HG9 of the Local Plan states that a house of three bedrooms or more should have at least 100 square metres of private amenity space. In this case 97 square metres of private amenity space will remain at 17 Whitegate Road following the construction of the proposal which is considered acceptable. Off road car parking space remains at the rear in the form of a driveway and garage and will be unaffected by the proposal.

#### Other Considerations

Brightlingsea Town Council supports the application.

Two representations have been received, they raise the following concerns:

1. Unsuitable for the area
2. Distance to the boundary to allow for maintenance
3. Block the view we have from our property

Point 1 has been addressed in the report.

Point 2 – There is no requirement for a minimum distance to the side boundary in this case for the single storey rear extension. The applicant may be required to give notice to neighbours of their

intentions under the Party Wall etc. Act 1996. Further information can be found on the government website. <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>  
Point 3 – The loss of a view is not a planning consideration. A distance of 30 metres exists between the front elevation of the proposed extension and the front elevation of the property of the person who made the representation, with the highway of Whitegate Road dividing the dwellings.

No further 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: Drawing number: 2035/2 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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? If so, please specify:</b>	YES	NO

