

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	DB	18.12.2020
Planning Development Manager authorisation:	SCE	18.12.2020
Admin checks / despatch completed	DB	18.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.12.2020

**Application:** 20/01509/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr Francis

**Address:** 26 The Street Little Clacton Clacton On Sea

**Development:** Proposed single storey rear extension and front boundary wall.

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

Little Clacton Parish  
Council  
15.12.2020

Supports Application

### **2. Consultation Responses**

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The proposed boundary wall appears to be the same height and alignment of the existing timber boarded fence and retains adequate room and provision for off street parking, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

### 3. Planning History

04/00198/FUL	Change of use of land from existing arable land to garden use	Approved	24.03.2004
20/01509/FUL	Proposed single storey rear extension and front boundary wall.	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

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL9 Listed Buildings

#### 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)**

### **Proposal**

This application seeks permission for the erection of a single storey rear extension and front boundary wall.

### **Application Site**

The site is located to the East of The Street, which is located within the development boundary of Little Clacton. The site is located adjacent to a listed building (Orchard Lea) so the proposals impact on its setting will be assessed. The site serves a detached brick built dwelling with a pitched tiled roof. The surrounding area is comprised of a mixture of residential and local businesses.

### **Assessment**

#### **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.

The proposed rear extension will measure 7.2 metres wide by 4.9 metres deep with an overall height of 3.1 metres. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space. The design is also consistent and sympathetic to the existing host dwelling materials.

The proposed extension will be located to the rear of the property so would be entirely obscured from the streetscene by the existing dwelling. The proposal will be constructed from red facing brickwork and feature cream uPVC windows and doors to match the existing dwelling. The roof will be a flat roof construction featuring central glass pyramid to allow additional light to the extension.

The proposed front boundary wall would replace the existing fencing at the site, which is currently in a state of disrepair. The wall would be constructed from brick piers topped with coping stones measuring 1.8 metres high by 44 cm wide. These would then be connected by black painted iron railings, which would allow greater visibility to the surrounding streetscene. This low-level brick wall would also remain in keeping with a number of properties within the locale. The design would be in keeping with the existing dwelling and represent a safer and more visually appealing frontage to the property.

### **Impact on Setting of Listed Building**

Policy EN23 of the adopted 2007 Local Plan states development affecting a listed building or its setting will only be permitted where it, amongst other things, does not have an unacceptable effect on the special architectural or historic character and appearance of the building or its setting. Policy PPL9 of the Draft Local Plan states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance, fabric and:

- a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset and its setting; and
- b. are of a scale, design and use materials and finishes that respect the listed building and its setting.

The NPPF also attaches great importance to the protection of the historic environment, including designated heritage assets such as Conservation Areas and Listed Buildings.

The neighbouring Listed Building has a very mature garden which provides excellent screening from the proposed front wall, which reduces the visual impact of the proposed on this dwelling.

The proposal is deemed to be consistent with the above policies, as it protects the special architectural and historic interests of the neighbouring listed building. It also does not detract from the significance of this heritage asset and its setting, with it also utilising materials and design consistent with the existing dwelling.

## **Impact to 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 neighbour to the site would be Orchard Lea to the North.

## **Impact on Orchard Lea**

The proposed development would be set away from this neighbouring dwelling, feature a design and scale which is sympathetic to the host dwelling and the surrounding locale. As this property is a listed building, it is imperative that the setting of this building should not be adversely impacted as a result of this proposal. As a result, it is deemed that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of Orchard Lea.

## **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.

The Highway Authority does not object to the proposals as submitted.

Little Clacton Town Parish approve of this application.

## **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 / Reasons for Refusal**

- 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.

- HPA.001
- HPA.002
- HPA.003
- HPA.004
- HPA.005
- HPA.006
- HPA.007
- HPA.008
- HPA.009
- HPA.010

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.

### Essex County Council Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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SMO1 – Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>	<b>NO</b>

<b>If so, please specify:</b>	
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