

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	16/12/2020
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:** 20/01539/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Steve Totman

**Address:** 3 Cedar Avenue Brightlingsea Colchester

**Development:** Proposed single storey rear extension, conversion of loft space and proposed dormer window.

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

Brightlingsea Town  
Council  
11.12.2020

Brightlingsea Town Council have concerns with the overall size of the extension.

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

20/01539/FUL Proposed single storey rear extension, conversion of loft space and proposed dormer window. 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some 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. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of a semi-detached bungalow located within the development boundary of Brightlingsea. The existing dwelling has been constructed from brick with white cladding detailing and benefits from an existing garage and driveway with vehicular access.

### Proposal

This application seeks permission for the erection of a single storey rear extension along with a proposed dormer window to accommodate a loft conversion.

The proposed plans also show proposed rooflights which are considered permitted development and will therefore not form part of this application.

### 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 proposal will be sited to the rear with the majority of it being screened from public view by the host dwelling and associated garage.

As a result of its height some elements of the proposed extension will be visible from Cedar Avenue however views of these are likely to be minimal and will not have a harmful impact to the overall appearance of the existing dwelling. The proposed additions will also be set back from the front of the site to further reduce their impact on the streetscene.

The proposed additions are of a size and scale which are in keeping with the existing house and will be finished in materials consistent with the host dwelling.

Whilst the use of a flat roof is not in keeping with the roof type on the existing house this element will be to the rear and will not diminish the dwellings appearance or character.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

#### Impact on Neighbours

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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Located to the west of the site is 5 Cedar Avenue which is of a similar design to the host dwelling. The two dwelling are separated by their respective garages and fencing which is in situ along the neighbouring boundaries. As a result of this distance between two properties the proposal will be set 3.5m off of this neighbouring boundary and as a result of its flat roof design would therefore not result in loss of residential amenities to this neighbour.

Situated to the east is 1 Cedar Avenue which has an existing opening on its rear elevation along with a conservatory. There is minimal fencing sited between the two dwellings. As there will be an impact to the residential amenities of this neighbour the Sunlight/ daylight calculations within the Essex Design Guide have been applied to the plans. The 45 degree line in plan would intercept this neighbours nearest opening however in elevation it would not. The loss of light is therefore not so significant to warrant refusal of this application.

It is noted that the proposed extension is of a flat roof design which will measure approx. 2.4m. This will be partially screened by the boundary treatment in place which will reduce its level of impact to this neighbour. This fencing could be increased in quantity however would require planning permission as permitted development rights have been removed by way of condition 4 on the original permission for the erection of fences. Based on the above it is considered that the loss of outlook in this instance is not so significant to refuse planning permission upon.

The plans show that there will be no windows positioned in the side elevation facing this neighbour preventing it from resulting in a loss of privacy.

The introduction of a dormer window at first floor level will result in a loss of privacy to these neighbouring sites. However there are many other bungalows which have previously erected dormer windows and there are a number of two storey dwellings which do have views into these gardens. It is also noted that the new opening will serve a bedroom which is not considered a primary living area. The loss of privacy in this was not be so significant refuse this planning application upon. The dormer window will be positioned within the roof plane and would therefore not result in a loss of light or outlook to either of the neighbouring properties.

The proposed extension will be a suitable distance from the properties to the rear and will not result in a loss of residential amenities to these sites. The proposed dormer window will result in overlooking to these sites however as these sites are already overlooked by other properties the loss of privacy would be unreasonable grounds to refuse planning permission upon.

#### Other Considerations

Brightlingsea Town Council have stated that they have concerns with the size of the proposal.

These points have been assessed in the above report however in summary whilst the proposed extension will be 4.3m in depth it will be to the rear resulting in a minimal impact upon the streetscene and appearance of the house. The impact to residential amenity has also been

assessed in the report above and it has been concluded that whilst there will be some impact to neighbouring properties that this would not be so significant to refuse planning permission upon.

One letter of objection has been received raising concerns over loss of light and outlook to this neighbour as well as noise arising from the build of the proposal.

These points raised by this neighbour have been assessed against the proposal and have been detailed in the report above. In summary the relevant calculations have been used against the proposal and whilst it is concluded there will be some loss of light and outlook to this neighbour it is considered that this loss is not so significant to warrant refusal of the planning application.

There is likely to be noise from the build due to its close proximity to the boundaries however this will be for temporary period during construction and not a long term impact. If there are noise issues these can be dealt with by the Council's Environmental Health Team is considered to be a statutory nuisance.

### Conclusion

It is therefore concluded that the proposal satisfies the requirements of the aforementioned national and local policies and in the absence of material harm resulting from the proposed 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: 6725-A-1102-and 6725-A-1202-.

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.