

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	13/01/2021
Planning Development Manager authorisation:	SCE	19.01.2021
Admin checks / despatch completed	ER	20.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.01.2021

Application: 20/01577/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr and Mrs Adam and Jodie Messenger

Address: 27 Wick Lane Dovercourt Harwich

Development: Single storey rear extension and alterations including balcony terrace.

1. Town / Parish Council

Harwich Town Council
17.12.2020

Harwich Town Council has no objection to this application.

2. Consultation Responses

Not Applicable

3. Planning History

20/01577/FUL Single storey rear extension and alterations including balcony terrace. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

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

PPL1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application Site

The application site comprises of a chalet bungalow set back from front of site with driveway and vehicular access to front. Situated to the rear is existing outbuildings and boundary fencing. The neighbouring properties to the site also benefit from existing outbuildings on their boundaries.

The area itself is characterised by predominantly bungalows and chalet bungalows set back on their plots with parking areas to the front. Sited within the street are a very small number of two storey dwellings.

Proposal

This application seeks permission for the erection of a single storey rear extension and alterations including balcony terrace.

Background

Upon initial receipt of the applications the plans showed that the proposed balcony would be of the same footprint of the proposed extension. The plans also showed that 1.8m glazed panels would be sited along the sides of the balcony to reduce the level of overlooking resulting from the proposal. Due to the design of the host dwelling these glazed panels would have been publicly visible within the streetscene appearing prominent and out of place when viewing the house from Wick Lane. It was suggested that the proposed balcony be reduced in width so that these panels could be screened by the existing house and not visible within the streetscene. The agent has fulfilled this request by submitting amended plans in line with officer advice.

Assessment

Design and Appearance

The proposal will be sited to the rear of the house however as a result of the shape of the existing dwelling and open spaces between plots some elements may be visible from Wick Lane. It is noted that the proposal will be set back from the front of the site and therefore any views of the proposal will be minor and will not appear prominently within the streetscene.

The proposal is of an appropriate size and scale to the existing house and will be finished in materials consistent with the host dwelling.

The use of glazed panels to the balcony and the proposals flat roof design will differ to that of the main house however as these elements will be primarily to the rear the addition of such would not result in such a significant harmful impact to the appearance or character of the house or area. The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

Flood Risk

The site is located within National Flood Zone 2 and as per the requirements of saved policy QL3 a Flood Risk Assessment has been provided on plan no 27-2020-03PA

The assessment details mitigation measures which will be applied to the proposal regarding flood risk. The proposal therefore complies with this policy and will not result in adverse impact in regards to flood risk.

Impact to Neighbours

The proposed plans show that there will be no windows positioned within the side elevations facing the neighbouring properties.

The proposed balcony will result in overlooking into the neighbouring properties however the new reduction in width and obscure glazed panels which measure 1.8m in height will reduce the level of privacy lost to these neighbours meaning that any views into the neighbours gardens will be towards to the rear of their gardens and not their immediate private amenity area. Furthermore it is noted that as surrounding properties already have first floor windows already looking into these gardens. The loss in privacy in this instance is therefore not so significant to refuse planning permission upon. A condition ensuring that the glazed panels are installed prior to the use of the balcony being implemented and their retention has been imposed upon the permission.

The proposed extension will result in a loss of outlook to the neighbouring properties rear openings however as a result of its low height of approximately 2.6m in height and distance of a minimum of 1.7m from each neighbouring boundary together with partial screening by way of the existing boundary fencing the loss of outlook is not considered so significant to refuse planning permission upon.

The proposal will result in a loss of light to the neighbouring properties rear openings and therefore the sunlight/ daylight calculations specified within the Essex Design Guide have been applied to the plans. Upon completing the calculations the 45 degree lines in plan and elevation would not encompass or strike through the centre windows along these neighbouring rear elevations and therefore the loss of light is considered not so significant to refuse planning permission upon. Both of the neighbouring dwellings presently have windows sited along their side elevations which look onto the application dwellings existing house and conservatory. The proposal will reduce the light and outlook received by these windows however as a result of their current positioning along the side of their dwellings they already received little light and outlook. The loss of light and outlook to these neighbours would therefore be unreasonable grounds to refuse planning permission upon.

Other Considerations

Harwich Town Council have no objections to the proposal.
No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposal 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: 27-2020-03PA and 27-2020-04PA.

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

- 3 The 1.8m obscure glass privacy screen shown on Drawing Number 27-2020-04PA shall be installed prior to first use of the hereby approved balcony area to which it relates and shall be retained as such thereafter.

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

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.