

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	15/01/2021
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: 20/01623/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Bareham

Address: 116A Jaywick Lane Clacton On Sea Essex

Development: Proposed side extension.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

Not Applicable

3. Planning History

19/00419/LUEX Claim for a Certificate of Lawfulness: Use of games room as an independent dwelling unit. 09.08.2019

20/01623/FUL Proposed side extension. 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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site comprises of a detached dwelling which is set back from Jaywick Lane. The site is accessed via a long driveway and has an accompanying garage. The private amenity space for the house is to the rear, front and side of the main dwelling. The existing house is finished in black boarding and due to its siting behind 116 and 114 Jaywick Lane and the associated outbuildings is not publicly visible.

The site is located outside of the Development Boundary under the Tendring District Local Plan 2007 however is located within the Development Boundary of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Proposal

This application seeks planning permission for the erection of a proposed side extension.

Site History

The dwelling itself originated as an outbuilding ancillary to 116 Jaywick Lane. In 2019 an application for a Certificate of Lawful use for the use of the premises as a private dwelling. The council considered the evidence and granted the lawful use certificate accordingly authorising the use of the building as a private dwelling. These application details are as follows; 19/00419/LUEX - Claim for a Certificate of Lawfulness: Use of games room as an independent dwelling unit - Certificate granted.

Assessment

Design and Appearance

The proposal will be sited to the side of the existing dwelling and will mirror the forward facing gable design of the existing house.

The proposed extension is of a design and scale which is appropriate to the existing house and will be finished in materials which are consistent with the host dwelling.

Whilst the proposal will be sited to the side of the existing house as a result of screening by way of 116 and 114 Jaywick Lane the proposal will not be publicly visible within the streetscene and would not detract from its appearance or character.

The site is of a suitable size to support the proposal and retain sufficient private amenity space. The site benefits from an existing driveway suitable for the parking of two vehicles. The proposal will not result in a change to the existing parking at the site.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area, the proposal meets Policy HG12 of the Adopted Local Plan 2007.

The existing site has the use of an existing cess pit which has the potential to be affected in terms of this proposal however this is something which will be addressed at the Building Regulations stage of the development and is not a material planning consideration. The Councils Environmental Health Team and Building Regulations team have been consulted on this matter however do not object to the proposal.

Impact on Neighbours

The existing dwelling is situated to the rear behind 116 Jaywick Lane and sufficient distance away from other neighbouring properties. Whilst the proposal will be visible from these neighbours gardens due to its location away from the neighbours dwellings itself the extension would not result in a significant impact in terms of loss of light, privacy or outlook to these neighbours.

There are openings proposed along the side elevation facing 112 Jaywick Lane however due to the single storey nature of the proposal and screening by way of existing fencing and planting it is considered that there would not be as significant loss of privacy to this neighbour.

Other Considerations

Clacton is non parished and therefore no comments of this nature are expected. No letters of representation have been received.

Conclusion

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:

A - Block Plan, Existing and Proposed Elevations and Floor Plans - 4th Dec 2020
Planning Statement dated October 2020

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.