

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	06/01/2021
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: 20/01643/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Michael Goddard

Address: 19 Magpie Close Dovercourt Harwich

Development: Erection of single storey rear extension.

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

99/01262/FUL Phase II residential development. Approved 25.05.2000
Plots 29-90, 93-95, 98-124, 142-145, 148-213

20/01643/FUL Erection of single storey rear 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
HG9 Private Amenity Space

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) 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 two storey mid terraced dwelling. The existing house has been constructed from brick with a conservatory and decking to the rear. Situated along each of the boundaries is existing close boarded fencing.

Proposal

This application seeks planning permission for the erection of a single storey rear extension.

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 to the rear and will not be publicly visible when viewing the existing house from the front.

Located to the south is an existing footpath where views of the rear elevation of the house and its neighbours can be achieved. This will result in the proposal being publicly visible however due to high level close boarded fencing views of the proposal will be minimal preventing it from having an adverse impact on the appearance of the house and area. It is also noted that neighbouring

properties also benefit from conservatories and extensions which are visible from this vantage point meaning that development is acceptable in this locality.

The proposed extension is of a size and design which is appropriate to the main house and will be finished in materials which match the host dwelling.

Saved policy HG9 stated that 3 bedroom dwellings should maintain a private amenity space of 100m². The existing private amenity space at the site is approximately 109m², in order to facilitate a proposal of this size this space will reduce to approximately 88m². Whilst the resultant space does not meet the requirements of policy HG9 the space left is a suitable area which is considered a usable space and therefore the impact on such would be not so significant to warrant refusing the planning application.

Impact to 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).

The proposal is of a single storey design with no windows proposed along either of its side elevation preventing it from resulting in a loss of privacy to the neighbouring sites.

Impact on 17 Magpie Close

The neighbour of 17 Magpie close has an existing conservatory sited to the rear and the introduction of the proposal will result in a loss of light and outlook to the side windows on this neighbours conservatory.

The proposal will be set off of the boundary shared with 17 Magpie Close by 0.7m and will have a low eaves height of 3m. The proposed extension will also be largely screened by the existing boundary fencing which could be further increased to 2m under permitted development. It is therefore considered that the loss of light and outlook received by this neighbour through these windows would not be so significant as to warrant refusal of this application.

The proposal will not protrude beyond the rear wall of this neighbours conservatory and will not result in a loss of outlook from this neighbours rear openings.

As a result of the orientation of the properties, the proposal will not result in a loss of light to the neighbours rear openings at 17 Magpie Close.

Impact on 21 Magpie Close

The adjacent dwelling of 21 Magpie Close is set further back on its plot and has two rearward facing openings at ground floor level. Due to the proposals close proximity to this neighbour the new extension will result in a loss of light and outlook to this neighbour.

As a result of the loss of light to this neighbour the sunlight/ daylight calculations specified within the Essex Design Guide have been applied to the plans and it is concluded that as both 45 degree lines in plan and elevation would only strike through the lower section of this neighbours patio door opening that the loss of light in this case is not so significant to refuse the planning application. Although there will be a loss of outlook to this neighbour as the host dwelling is set further back on its plot the extension will only protrude 2.1m from the rear wall of this neighbours dwelling. The proposal will also be set off of this boundary by a minimum of 0.5m. It is therefore considered that the loss of outlook in this instance would not be so significant to refuse planning permission upon.

Other Consideration

Harwich Town Council have no objection to the proposal.

One letter of objection has been received and the comments contained within have been summarised below;

- Out of character with terraced houses

The proposal will be sited to the rear with some views being achieved from the public footpath nearby. Views of the proposal will be minimal and will not have a damaging impact on the appearance and character of this row of terraced houses. It is also noted that views from this footpath also include other extensions and conservatories to the neighbouring dwellings.

- Reduction of sunlight to 21 Magpie Close

The loss of sunlight to the neighbour at 21 Magpie Close has been assessed above using the calculations specified within the Essex Design Guide. It was concluded that whilst there would be a loss of light that this would not be so significant to refuse the application upon.

- The proposal is large in size and would change the shape of the dwelling and would also overpower the host dwelling.

The proposal is of a single storey design which will appear subservient to the main dwelling and will be set off of each boundary to prevent it from over dominating the existing house. The "lean to" roof style will allow the proposal to appear more visually appealing when viewing it from the rear garden and a usable area of private amenity space will be retained to the rear.

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: 20159/02 and 20159/04.

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.