

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DA	04.02.21
Planning Development Manager authorisation:	TC	04/02/2021
Admin checks / despatch completed	DB	04.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	04/02/2021

Application: 20/01514/FUL **Town / Parish:** Weeley Parish Council

Applicant: Ms Kibaru

Address: 18 Hilltop Rise Weeley Clacton On Sea

Development: Proposed two storey rear extension.

1. Town / Parish Council

Mrs Nicola Baker
21.12.2020

Weeley Parish Council has no objection to this application
subject to neighbours' comments

2. Consultation Responses

Site Notice Displayed: Expiry 22/12/20

No representations
received

3. Planning History

01/00324/FUL	Single storey extension to form kitchen/diner	Approved	24.04.2001
20/01514/FUL	Proposed two storey rear extension.	Current	

4. Relevant Policies / Government Guidance

National Planning Policy Framework 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG9 Private Amenity Space

QL1 Spatial Strategy

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)

SPL1 Managing Growth

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site and surroundings

The application site is situated to the north side of Hilltop Rise. It comprises of a two storey mid-terraced dwelling within a row of three buildings forming part of a staggered arrangement of houses.

The surrounding area is predominantly residential in character with buildings of similar design and appearance.

Proposal

Planning permission is sought for the construction of a two storey rear extension to include a bathroom and a new bedroom.

The extension would measure 5.7m wide x 4.3m deep. The first floor section of the addition would be set in from the adjoining boundary with number 16 by almost 2m.

The proposal has been amended by the omission of the inset door to the proposed extension which has been replaced by a window.

Design and appearance

The extension and includes a pitched roof matching facing brickwork and roof tiles to match the existing roof. The proposal includes rear windows and access doors to the rear garden. The addition would be subordinate to the main building and it is considered acceptable in terms of design and appearance.

Two windows are also proposed to the side elevation of the original building. However, these alterations may be completed under permitted development and therefore this is not considered as part of this application.

It is considered that the proposed extension would comply with the requirements of saved policy HG12 aimed at securing good design.

Impact on amenity

The proposal would comply with saved policy QL11 which aims to safeguard the amenities of neighbouring occupiers.

The detached property no. 16 to the east of the application site includes a blank side wall and rear windows. The separation distance would be at-least 1m and it is not considered that the proposed depth of 4m would not result in any significant harm by reason of loss of light or visual intrusiveness.

With regard to the impact of the proposal on no. 20 on the detached side of the property, the first floor would be set in from the boundary by 2m and the first floor addition would fall outside a 45 degree angle as measured from the middle of the neighbouring first floor window. The relationship would be acceptable and in compliance with the aforementioned property.

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 Numbers 100, 101 Rev A, 102, 103 Rev A, BP Block Plan and SP Site Plan.

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

3 The inset flat roof to the western boundary of the property shall not be used as a balcony or sitting out area.

Reason – In order to safeguard the amenities of the neighbouring occupiers.

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.

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