

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DA	16.02.21
Planning Development Manager authorisation:	TC	16/02/2021
Admin checks / despatch completed	CC	16.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	16.02.2021

**Application:** 20/00938/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Ricky Sharpe

**Address:** 5 The Esplanade Holland On Sea Clacton On Sea

**Development:** Proposed two storey front extension.

### 1. Town / Parish Council

None

### 2. Consultation Responses

ECC Highways Dept  
23.10.2020

Application No. 20/00938/FUL

Site Location

5 The Esplanade Holland On Sea Clacton On Sea CO15 5TT

Proposal

Proposed two storey front extension.

The information that was submitted in association with the application has been considered by the Highway Authority. The site will be accessed from one of the existing vehicle accesses that will be retained, parking will be provided at the rear of the property, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. There should be no obstruction above ground level within a 2.4 metres wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to the completion of the extension a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. Prior to the completion of the extension, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. The second redundant vehicular access as shown on the block plan (Drawing no.1b) shall be suitably and permanently closed off immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

6. Prior to the completion of the extension domestic car parking for a minimum of five vehicles shall be provided in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

7. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's

Informative:

1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

### **3. Planning History**

97/00498/FUL	Balcony	Approved	02.06.1997
15/30326/PREAPP	Demolition of existing dwelling and erection of new dwelling.		12.01.2015
16/02073/FUL	Erection of new dwelling.	Withdrawn	28.08.2018
20/00938/FUL	Proposed two storey front extension.	Current	

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

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 10<sup>th</sup> 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 26<sup>th</sup> 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

### Site Description

The application site is situated to the north side of the road and comprises of a four bedroom single family dwelling. The building is set back from the notional front building line and in particular it is set behind the front wall of the neighbouring property no. 3 to the west of the application site. The building is set forward of the neighbouring building nos. 7 and 4 along the eastern boundary of the site.

The surrounding area is residential in character and is set behind the coastal slopes and coastal zone.

### Proposal

Planning permission is sought for a two storey front extension which includes projecting bay windows to the side elevations of the building.

The proposal includes the re-working of the internal floor space increasing the size of the kitchen and lounge but the number of bedrooms 4 will not increase.

The proposal also includes the relocation of car parking provision from the front garden of the property to the rear garden.

### Design and impact on the streetscene

The National Planning Policy Framework (NPPF) emphasises the importance of design in development. Section 12, paragraph 124 states that good design is a key aspect of sustainable development. Paragraph 127 subsection c) requires that development is sympathetic to local character and history, including the surrounding built environment.

Saved policies QL9 and QL10 reflect the national policy emphasis on seeking good design. Policy QL9 requires that new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Policy QL10 states that all new development should meet functional requirements.

The proposed extension represents a large and significant addition to the front of the building. Given the highly prominent location of the dwelling the importance of good design which positively contributes to local character is of particular importance.

The proposed extension would significantly increase the overall bulk of the building and it includes a large expanse of panelled glazing to the front elevation opening onto a balcony thereby taking advantage of views to the coast. The building would be covered by a pitched roof along with a central glazed turret section immediately behind the main roofing section.

Two overhanging/projecting side bay sections form part of the proposal. The applicant states that they provide a maritime feature. However, it is considered that the design of the proposed extensions would appear uncharacteristically bulky and the combination of features such as the turret and the protruding bay features would appear out of character with the host property and would not contribute positively to the quality of the local environment or protect or enhance local character particularly in view of the highly prominent location of the property.

### Impact on neighbour amenity

Paragraph 127 of the National Planning Policy Framework 2019 states that planning should seek to create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Saved Policy QL10 of the adopted Tendring District Local Plan (2007) states that permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space and accessibility. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

The proposal involves a substantial addition to the property. However, the building is set well apart from neighbouring dwellings so that the size and scale of the addition would not in itself result in any significant harm to the amenities of neighbouring occupiers in terms of any significant overshadowing or loss of light.

The submitted drawings are not of the highest quality, but the two protruding bay windows on both elevations could give rise to loss of privacy through overlooking of the neighbouring habitable rooms.

With regard to its impact on number 7 Esplanade to the east of the application site, this property is set back and separated by a distance of more than 25m. It is not considered that concerns regarding loss of privacy through overlooking could be justified as a reason for refusal in this instance given the separation distance between buildings.

In relation to the dwelling to the west of the application site no. 3, the relationship between dwellings is set forward of the front main wall of number 5 and there is a separation distance of some 8m. The proposed protruding bay window would include a window from which only limited oblique views would be available. The nearest window affected would appear to be a ground floor side kitchen window.

The neighbouring occupiers to the rear of the application site along Sundae Close are separated from no. 5 by some 26m which is considered an acceptable safeguarding distance. The nearest affected property is no. 3 Esplanade to the western boundary of the application site. The property includes a ground floor kitchen window, views from the side bay window would be oblique and would not give rise to any significant overlooking. Moreover, if the application were considered acceptable a condition requiring obscure glazing could be imposed.

It is not considered that this would result in any significant loss of privacy to neighbouring occupiers and therefore the proposed extension would not conflict with paragraph 127 of the NPPF and saved policy QL10 of the local plan and emerging policy SPL3.

### Parking and access

Car parking provision will be relocated from the front garden to the rear of the site with a requirement for a new vehicle access. No objections have been raised regarding the proposed arrangements as the rear garden has the capacity to accommodate 3 cars.

The highways officer has no objections subject to the existing vehicle access being closed and compliance to relevant conditions and informatives referred to in the consultation section 2 above.

## Other matters

Concern has been raised regarding light pollution from vehicles entering the proposed car parking to the rear garden of the property. Car parking to the rear gardens is not uncommon and while the preference would be for parking on the front garden, this is not considered to constitute a justifiable reason for refusal particularly in light of the highway officer's comments raising no objection.

Noise and disturbance arising from parking in the rear garden would not be significant given the domestic nature of the use.

Regarding loss of outlook, it is not would not considered that significant views would be lost as a result of the proposed front extension. Moreover, the planning system cannot safeguard views in this context.

## **6. Recommendation**

Refusal - Full

## **7. Conditions / Reasons for Refusal**

1. The combination of increased bulk, the tower like turret and the introduction of two protruding bay window features would result in an un-characteristic appearance which is out of keeping with the surrounding area and would fail to contribute to positively to the quality of the local environment and would fail to enhance local character contrary to paragraph 124 of the National Planning Policy Framework 2019, saved Policy QL9 of the adopted Tendring District Local Plan (2007) and the emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against relevant planning policies and material considerations. However, the concerns highlighted in the application could not be overcome within the context of this application.

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

