

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	16.02.2021
Planning Development Manager authorisation:	SCE	17.02.2021
Admin checks / despatch completed	CC	22.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	22.02.2021

Application: 21/00075/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Mick Rugg

Address: 141 Kings Parade Holland On Sea Clacton On Sea

Development: Proposed new roof with first floor accommodation, and balcony to front.

1. Town / Parish Council

Clacton Non Parished.

2. Consultation Responses

N/A

3. Planning History

20/01275/FUL	Proposed outbuilding creating garage and workshop (following demolition of existing garage).	Refused	10.11.2020
21/00075/FUL	Proposed new roof with first floor accommodation, and balcony to front.	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

HG14 Side Isolation

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

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)

Proposal

This application seeks permission for the erection of a new pitched roof with first floor accommodation, and balcony to front. The site is located to the north of Kings Parade within the development boundary of Clacton On Sea, serving a single storey detached bungalow.

Design and Appearance

The immediate neighbouring properties to the site consist of a two storey dwelling to the west and a three storey block of flats to the east. The surrounding area consists of dwellings of various heights and designs, predominantly two storey.

The proposal at 141 Kings Parade will alter the appearance of the bungalow as it is today. The proposed pitched roof will replace the existing pitched roof, raising the ridge height by 1.3 metres to allow for two bedrooms in the roof space. The front elevation will feature a first floor balcony with glass balustrade, leading from the new master bedroom. The design would improve the visual amenity of the site to the streetscene and would be consistent with the nearest neighbouring dwelling to the west. The rear elevation would feature a first floor Juliet balcony leading from bedroom 2, which is consistent with neighbouring properties within the locale.

The proposed finish of the bungalow will modernise its look in the street scene with grey fibre cement boarding, and plain interlocking tiles to the roof. All windows and doors will be completed in white UPVC to match the existing host dwelling. The site can accommodate a proposal of this scale and design whilst retaining adequate private amenity space. The design and finish is deemed to provide a significant improvement to the current dwelling, and be complimentary to the street scene and surrounding locale.

Impact upon Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case there is a distance of 2.5 metres to the western side boundary shared with 139 Kings Parade. The distance of 2.5 metres to the side boundary will not be altered by the proposal as the first floor will be formed over the original footprint of the bungalow, while the eaves height will remain the same. The distance to neighbouring properties is not being altered by the proposal and whilst the proposal does not meet the requirements of HG14 it is deemed not significant enough to refuse planning permission on this basis.

The new roof will feature additional roof lights on both side elevations; however, their location will be close enough to the ridge that they would not cause an impact on neighbour's privacy. The rear Juliet balcony is not deemed to impact on neighbour privacy, as it is located off a bedroom, which is not considered a primary habitable room.

Impact on Properties in Cliff Road

In terms of impact on properties in Cliff Road the Juliet balcony will result in an increase in overlooking, but the increase is considered acceptable as the neighbouring buildings have first floor windows that overlook these properties. It is also noted that the back to back distance is 52 metres, which is greater than the 25 metre back to back distance as recommended by the Essex Design Guide.

Due to the separation distance between 141 and 139 Kings Parade, it is deemed that there will be no significant impact in terms of loss of light, loss of privacy or overlooking to the neighbour at number 139. The neighbouring plot to the east, sites a block of flats, which are set away from the proposal, so the impact on light and privacy is deemed negligible.

The front balcony will have no impact on amenities of neighbouring residential properties.

Highways Considerations

The two parking spaces to the front of the dwelling meets the required standards for a property of this scale.

Other Considerations

No other letters of representation have been received.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

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 no.

- 203 – 03
- 204 – 03
- 205 – 02
- 206 – 01

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 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.

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