

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	25/02/2021
Planning Development Manager authorisation:	TF	25/02/2021
Admin checks / despatch completed	DB	26.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	26.02.2021

Application: 21/00005/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr Bruce Fenwick
Address: 127 Holland Road Clacton On Sea Essex
Development: Proposed single storey rear extension with roof lantern and renewal of first floor veranda.

1. Town / Parish Council

Non parished area

2. Consultation Responses

n/a

3. Planning History

21/00005/FUL Proposed single storey rear extension with roof lantern and renewal of first floor veranda. 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for a single storey rear extension and first floor balcony following demolition of the existing timber framed conservatory and balcony. The host dwelling is a detached house located within the development boundary of Clacton on Sea.

Design and Appearance

The proposed single storey extension will replace the existing conservatory thereby minimising the additional footprint created. The extension will be constructed in brickwork creating a contrast against the painted render of the main house, a parapet wall with flat roof and roof lantern will complete the design. The new balcony will replace the timber structure which is in need of attention and will create a modern appearance with glazed balustrading. The depth of the balcony will mirror that it is replacing apart from a small section which will utilise an area on top of the new flat roof of the extension increasing the balcony area by just 0.5 metre for a 4 metre length minimising the visual impact at the rear of the property which is considered acceptable and proportionate to the size of the existing dwelling.

The design and scale of the proposals is acceptable and would result in no material harm to visual amenity.

Impact upon Residential Amenity

The single storey rear extension will not have an adverse impact on neighbouring properties given its low level nature and almost central positioning at the rear of the existing dwelling.

There is potential for overlooking into neighbouring gardens from the proposed rear balcony however this is not significantly increased when compared to the existing balcony. The balcony is a distance of 4.5 metres from the south western side boundary shared with 125 Holland Road which is defined by a 1.8 metre high fence and pedestrian access offering a divide. The balcony is a distance of 2 metres to the north eastern side boundary shared with 129 Holland Road however a 1.8 metre high fence and the conservatory at number 129 obscure any direct views into the garden and sitting out areas. In view of the depth of the balcony, 1 metre deep at the side closest to

number 129 and 1.5 metres deep on the south western side, it is only suitable for private sitting out and will not be suitable for gatherings of any kind. The rear of the application site is screened by mature shrubs and small trees and meets the ends of other gardens which are of a considerable size.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a property with three bedrooms or more. More than 400 square metres of rear garden remain following the construction of the proposal which is more than sufficient.

Other considerations

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the 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 plans: Drawing number PL00 A and PL112 A.

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.

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

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