

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	15/02/2021
Planning Development Manager authorisation:	SCE	23.02.2021
Admin checks / despatch completed	DB	25.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.02.2021

Application: 21/00017/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Dave Vollans

Address: 17 Colne Road Brightlingsea Colchester

Development: Proposed two storey rear extension and loft conversion to form additional living space.

1. Town / Parish Council

Brightlingsea Town Council Supports Application.

2. Consultation Responses

Building Control and Access Officer No adverse comments at this time.
08.02.2021

3. Planning History

21/00017/FUL Proposed two storey rear extension Current
and Loft conversion to form
additional living space.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 – Minimising and Managing Flood Risk

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)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL 1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 two storey rear extension and loft conversion.

Application Site

The application site serves a two storey semi-detached dwelling located within the Brightlingsea Development Boundary. The dwelling is finished in red face brickwork to the front and painted render to the rear, with a pitched slate roof. The site is also located within a National Flood Zone 2 and 3.

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 proposed two storey rear extension will measure 3.5 metres wide by 3 metres deep and will have an overall height of 6.2 metres at the roof pitch. As the proposed extension is to be located at the rear of the property it will not be visible to the streetscene of Colne Road. The proposal will however be visible from the car park to the rear of the property and Oyster Tank Road. However the two storey extension is similar in scale and design to other dwellings within the locale, as such it is deemed that the proposal is acceptable in terms of visual amenity. The extension is deemed to be of a size and scale appropriate to the existing dwelling whilst retaining adequate private amenity space. Matching materials to the host dwelling are proposed for the extension and so it is deemed to be of an in keeping design and appearance. The exterior walls will be finished in a matching white painted render and the roof will be pitched and finished in a matching slate. The windows and doors will be made of UPVC, matching those currently at the rear of the dwelling.

The proposed second floor dormer will be finished in painted render and feature UPVC windows to remain consistent with the existing dwelling. Whilst the dormer would not comply with the Essex Design Guide, which states that they should be an incidental feature within the streetscene, a neighbouring property has a very similar dormer window. As a result, it is deemed that the impact on the streetscene would not be significant enough to justify refusing planning permission.

Flood Impacts

As the site is located within National Flood Zones 2 and 3, flood risk needs to be assessed in relation to this proposed development. As this application relates to an extension to an existing dwelling within a flood zone, the main consideration includes: that floor levels within the proposed development will be set no lower than existing levels and, flood proofing of the proposed development has been incorporated where appropriate. A flood risk assessment has been submitted which confirms this.

It is deemed that this proposal complies with these considerations and with both saved policy QL3 and PPL 1 of the draft local plan 2013-2033 and beyond.

Impact to Neighbouring Amenities

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 nearest neighbouring properties are 15 and 19 Colne Road.

Impact on 15 Colne Road

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would not intercept the adjacent neighbouring property and is therefore not deemed to have a harmful impact to the loss of light.

The proposed does include the introduction of a rear window at first and second floor level, which will mean the site dwelling now overlooks onto the adjacent neighbouring gardens and will result in a loss of privacy to these neighbours. However as these windows will be serving bedrooms, deemed to be a non-primary living space, and neighbouring properties are already overlooked by the existing first floor window on the rear elevation. The loss of privacy is not considered significant enough as to justify refusing planning permission.

Impact on 19 Colne Road

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would not intercept the adjacent neighbouring property and is therefore not deemed to have a harmful impact to the loss of light.

The proposed does include the introduction of a rear window at first and second floor level, which will mean the site dwelling now overlooks this adjacent neighbouring garden and will result in a loss of privacy to this neighbour. However as these windows will be serving bedrooms, deemed to be a non-primary living space, and neighbouring properties are already overlooked by the existing first floor window on the rear elevation. The loss of privacy is not considered significant enough as to justify refusing planning permission.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Brightlingsea Town Council support this application.

Whilst the site is located in a flood zone, the applicant has provided a flood risk assessment form and it is deemed that the proposal complies.

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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.

- P01e
- Flood Risk Assessment Form

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:	NO
Are there any third parties to be informed of the decision? If so, please specify:	NO