

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	22.02.2021
Planning Development Manager authorisation:	SCE	26.02.2021
Admin checks / despatch completed	CC	01.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	01.03.2021

**Application:** 21/00079/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr and Mrs Figg

**Address:** 29 Western Road Brightlingsea Colchester

**Development:** Proposed single storey rear/side extension.

### **1. Town / Parish Council**

Brightlingsea Town Council                      Supports Application

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

08/00531/FUL	Ground floor extension to side to form utility room and entrance lobby.	Current	11.04.2008
21/00041/LUPRO P	Loft conversion to form bedroom and shower room including formation of side dormer windows.	Current	
21/00079/FUL	Proposed single storey rear/side extension.	Current	

### **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

PPL1 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 26<sup>th</sup> 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 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> 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 single storey rear/side extension.

### Application Site

The site is located to the west of Western Road, within the development boundary of Brightlingsea. The site serves a detached bungalow finished in render with a pitched tiled roof. The surrounding streetscene is comprised from dwellings of a similar appearance.

## Assessment

### Flood Risk

Part of the application site falls within flood zones 2 and 3. A flood risk assessment has been submitted with the application in accordance with the Environment Agency's standing advice.

The flood risk indicator states that the site is within 25 metres of the nearest river or sea floodplain. The land is in an area that has very low chance of flooding from rivers or the sea which means it is unlikely to flood except in extreme conditions.

### 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 extension is located to the rear and side of the dwelling, it will be of an 'L' like shape wrapping around the existing dwelling. At the rear the proposal will measure 2.9 metres deep by 9.6 metres wide where it then meets with the side extension to measure 5.4 metres deep by 0.7 metres wide. The rear extension has a pitched roof element towards the north of the dwelling measuring 3.7 metres wide and will have an overall height of 3.9 metres. The remainder of the proposal will have a flat roof design with an overall height of 2.7 metres. The proposal is deemed to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space.

The proposal is located towards the rear of the dwelling and the side element will be largely shielded from the streetscene by the existing dwelling but minimal views of the proposal may be seen from the gap between the host dwelling and adjacent neighbour towards the south. The proposal is set back from the highway and will not appear prominently within the streetscene. The extension will be finished in a matching render to that of the existing dwelling, the pitched roof element will be tiled to match the existing and the windows and doors will be white PVCu or Aluminium. The proposed development is considered to be of an appropriate design and appearance with no adverse effect on visual amenities.

### 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 proposed development does not have any significant impact on the loss of light to the adjacent neighbouring dwellings due to their positioning within their sites.

The proposal is of a single storey nature and therefore poses no significant threat of overlooking. The proposal does not provide the dwelling with any additional views that are not already provided by the existing dwelling. The proposal does not have a significant effect on loss of privacy.

### 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 supports this application.

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. EP3037PL02E-1A, Drawing No. EP3037PL02E-2B and Drawing No. EP3037PL02E-3A.

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.

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