

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	26/02/2021
Planning Development Manager authorisation:	SCE	26.02.2021
Admin checks / despatch completed	CC	02.03.2021
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Application: 21/00082/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr and Mrs Parkinson

Address: 36 Second Avenue Weeley Clacton On Sea

Development: Proposed single storey rear extension with projection to side replacing existing brick built conservatory.

1. Town / Parish Council

Weeley Parish Council
15.02.2021

No objection, subject to neighbours' comments

2. Consultation Responses

Not Applicable

3. Planning History

21/00082/FUL Proposed single storey rear extension with projection to side replacing existing brick built conservatory. 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
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies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)

Application Site

The application site comprise of a semi-detached bungalow with adjacent garage. The house is set back from the front of the site with a garage towards the rear of the house and driveway positioned to the side. The house is brick in construction with some minor white rendered elements and a small existing brick extension to the rear.

Proposal

Proposed single storey rear extension with projection to side replacing existing brick built conservatory.

Assessment

Design and Appearance

The proposed extension will be predominantly to the rear with a small section which will protrude to the side and be publicly visible.

The proposal will be of a size and scale which is appropriate to the main house and will be constructed from brickwork to match the existing dwelling.

As a result of its single storey design and significant set back from the front of the site any views of the proposal from Second Avenue will be minor and would not have a detrimental impact to the appearance of the dwelling or streetscene. The use of materials which match the existing dwelling will also assist in preventing the proposed extension from having a harmful impact visually.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

Highway Safety

The Essex County Council Parking Standards states that where a house comprises of 2 or more bedrooms that 2no parking spaces should be retained measuring 5.5m by 2.9m per space.

The proposal will result in the loss of the existing garage and some of the existing driveway however there is sufficient room to the front and side of the house for the parking of two vehicles in line with the aforementioned standards meaning that the proposal would not contravene highway safety.

Impact on Neighbours

Sited to the east is 38 Second avenue which adjoining the application dwelling and currently benefits from an existing single storey rear extension and conservatory. The proposal will not extend beyond the rear wall of this neighbours extension and as a result would not result in a loss of residential amenities to this neighbour.

Sited to the west is 34 Second Avenue which is a similar designed house to the application dwelling and currently has views from its rear openings onto the application sites existing garage and boundary fencing.

The proposal will be sited a minimum of 1m from this neighbouring boundary and will result in a loss of light and outlook to this neighbour. The Essex Design Guides Sunlight/ daylight calculations have been applied to the proposal to ascertain the level of light lost to this neighbour and it is concluded that as the 45 degree line in plan would strike through this neighbours kitchen window however in elevation it would only just touch the side of the dwelling that the loss of light in this instance would not be so significant to warrant refusing planning permission.

The current views achieved from this neighbours rear openings are that of the existing garage sited on the shared boundary. Whilst the proposal will be visible to this neighbour it will be sited approximately 1m off of this shared boundary and screened by existing boundary fencing therefore improving views out of this neighbours rear openings. The loss of outlook is therefore not so significant to refuse planning permission upon.

Whilst the proposal will be absent of any side facing windows to 34 Second Avenue there will be a front window to the extension which will serve the Utility Room. As a result of the positioning of the dwellings this window which point into the neighbours rear wall and its openings. It is noted that the proposal is single storey and that the proposed window will be largely screened by the existing boundary fencing obscuring any views into this neighbours house. The loss of privacy in this instance is therefore not so significant to refuse planning permission upon.

The proposal will result in a loss of light and outlook to this neighbours side windows which currently face the side of the host dwelling. As these windows already receive little light and outlook due to their current positioning it would be unreasonable to refuse planning permission on any further loss of light and outlook resulting from the proposed development.

Other Considerations

Weeley Parish Council have no objections to the proposal subject to any comments raised by neighbours.

There have been no letters of representation received.

Conclusion

In the absence of material harm resulting from the proposed 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 plan: PLANNING JP-PP-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 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.