

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	09.03.2021
Planning Development Manager authorisation:	SCE	09.03.2021
Admin checks / despatch completed	CC	09.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	09.03.2021

Application: 20/01763/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Shane Cairns

Address: 3 Lavenham Close Clacton On Sea Essex

Development: Proposed two storey side and single storey rear extensions.

1. Town / Parish Council

Clacton Non-Parished No Comments Required

2. Consultation Responses

Building Control and Access Officer
22.01.2021 No comments at this stage.

3. Planning History

19/30081/PREAPP Erection of a conservatory with a solid tiled pitched roof. 26.06.2019

20/01763/FUL Proposed two storey side and single storey rear extensions. 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

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Local Planning Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application Site

The site serves no. 3 Lavenham Close, a semi-detached two storey dwelling, within the development boundary of Clacton on Sea, finished in brickwork and tile, with a pitched tiled roof.

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 single storey rear extension will measure 2.6 metres deep, 6.3 metres wide with a maximum height of 3.5 metres.

The proposed two storey side extension will measure 5 metres wide, by 7.2 metres deep with an overall height of 7.1 metres.

The proposed development is of a size and scale appropriate to the application site, with adequate private amenity space retained.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting, does not create a cramped appearance and safeguard the amenities and aspect of adjoining residents. There are no neighbouring dwellings located adjacent to the proposed side extension and therefore the proposal will not cause the dwelling to appear cramped within its site.

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 rear extension is of a single storey nature and therefore poses no significant risk of overlooking onto the adjacent properties and has no significant impact on loss of privacy.

The proposed two storey side extension will include the installation of windows at first floor level to the rear and side elevations of which will provide the dwellings with views overlooking onto the adjacent properties and cause a loss of privacy to these neighbours. However, as the existing dwelling already has windows at first floor level to the rear and side elevations these additional windows will not provide the dwelling with any new views and therefore the loss of privacy is not considered so significant as to justify refusing planning permission.

The proposed two storey side extension is located away from neighbouring dwellings and will have no significant impact on loss of light.

The proposed rear extension is to be constructed along the shared neighbouring boundary line north of the site. This neighbouring dwelling had a rear extension approved in 2013 under reference 13/00134/FUL, the neighbouring dwelling protrudes further than the proposed extension. The proposed extension therefore has no significant impact to the loss of light to this adjacent dwelling.

Highway issues

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

Other Considerations

Clacton is Non-Parished and therefore no comments are required.

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 plan; Drawing No. 8572 B

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

