

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	09.04.2021
Planning Development Manager authorisation:	TF	12.04.2021
Admin checks / despatch completed	CC	12.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	12.04.2021

**Application:** 21/00335/FUL **Town / Parish:** Tendring Parish Council

**Applicant:** Graham Hirst

**Address:** Chrisfield House Clacton Road Tendring

**Development:** Erection of two storey rear extension, single storey canopy porch extension, replacement garage building, new side fence and gate access

### 1. Town / Parish Council

Tendring Parish Council      No objection to this application.  
22.03.2021

### 2. Consultation Responses

Not Applicable

### 3. Planning History

21/00335/FUL	Erection of two storey rear extension, single storey canopy porch extension, replacement garage building, new side fence and gate access	Current
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### 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

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 two storey rear extension, single storey canopy porch extension, and replacement garage building, new side fence and gate access

### **Application Site**

The site is located to the east of Heath Road within the development boundary of Tendring Green. The site serves a detached two storey dwelling finished in painted render with a pitched slate 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 two storey rear extension will measure 5.4 metres deep by 6.9 metres wide at ground floor level, 6.7 metres wide at first floor level with an overall height of 7.7 metres. There is also a single storey flat roof rear extension measuring a further 3.8 metres at ground floor level. The proposed extension will be finished in materials to match those of the existing dwelling, the exterior walls will be of a matching render with a pitched slate roof, and a single storey flat roof element with roof light to the west. The extension is considered to be of a design and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. parts of the proposal will be visible to the streetscene when viewing the property from Chapel Lane and/or Heath Road , however as the proposed extension will be of a matching design and appearance it will have no adverse effect on the visual amenities of the area.

The single storey canopy porch extension will measure 2 metres deep by 2.2 metres wide with an overall pitched roof height of 3.3 metres. The porch extension will be located to the front of the dwelling and therefore visible to the streetscene. The porch is considered to be of a minor nature and of an appearance in keeping with the existing dwelling and surrounding area, it will therefore have no significant adverse effect on the visual amenities of the area.

The replacement garage building will be located to the rear of the site towards the east. It will measure 7.4 metres deep by 7.2 metres wide with an overall pitched roof height of 4.7 metres. The replacement garage will be visible to the streetscene when viewing the property from Chapel Lane, however it will be of a design and appearance matching to that of the existing dwelling and therefore has no adverse effect on the visual amenities of the area.

The proposed side fence and gate access will be located to the east of the site between the main dwelling and garage, it will measure 9 metres deep with an overall height of 2.1 metres. It will consist of a timber fence and gate with vertical hung boards. Similar boundary treatments can be seen throughout the streetscene, the proposed fence and gate are therefore considered to be of a design and appearance in keeping with the surrounding area with no harmful effects on visual amenity.

### 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 two storey rear extension is located away from the adjacent shared boundary line and due to its positioning within the site it will not have any significant effect on the loss of light to the adjacent neighbouring properties.

The two storey rear extension will include the installation of two windows on the rear elevation, these will provide the dwelling with additional views overlooking onto the adjacent neighbouring properties and therefore cause a loss of privacy. However, these windows will serve two bathrooms, not considered to be a primary living space, any loss of privacy therefore caused by the proposal will not be so significant as to justify refusing planning permission.

The two storey rear extension also includes the installation of two windows located at first floor level on the side elevations, these windows will provide the dwellings with views of the streetscene which is not considered to be a private space and therefore will not cause any significant loss of privacy.

Due to its positioning within the site the proposed replacement garage building will not have any significant effect on the loss of light to the adjacent neighbouring dwellings.

The proposed canopy porch extension is not located near to any adjacent neighbouring properties and has no effect on residential amenities.

The proposed new fence and gate access is located away from any shared neighbouring boundary and has no effect on residential amenities.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site. The proposed replacement garage building is consistent with Essex County Council Highways regulations of measuring a minimum of 7m x 3m and is therefore acceptable in terms of highways safety.

Other Considerations

Tendring Parish Council have no objection to 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. 01 Revision A, and Drawing No. 02 Revision 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.

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