

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/04/2021
Planning Development Manager authorisation:	SCE	07.04.2021
Admin checks / despatch completed	DB	08.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	08.04.2021

Application: 21/00298/FUL **Town / Parish:** Harwich Town Council

Applicant: Julia Coleman

Address: 21 Empire Road Dovercourt Harwich

Development: Erection of single storey rear extension

1. Town / Parish Council

Harwich Town Council
10.03.2021

Harwich Town Council has no objection to this application.

2. Consultation Responses

Not applicable

3. Planning History

21/00298/FUL Erection of single storey rear extension 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
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 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 comprises of an end terraced chalet bungalow which has been finished in white render. The existing dwelling has a modest rear courtyard with garage and fencing along each neighbouring boundary. The existing dwelling also benefits from a conservatory and small extension to the rear. Sited north west of the house is a access path presumably used to gain access to the rear gardens of the neighbouring properties within Hordle Street.

Proposal

This application seeks planning permission for the erection of single storey rear extension.

Assessment

Design and Appearance

Situated north west of the site is an existing pathway which is presumably used by the occupants of Hordle Street and results in an open space formed between plots allowing the side elevation of the application dwelling to be publicly visible from Empire Road. Whilst the proposed extension will be publicly visible its set back from the front of the site and single storey design will prevent the proposal from appearing as a prominent feature within the streetscene preventing it from detracting from the character and appearance of the existing dwelling and area.

The proposal is of an suitable scale and size which is appropriate to the existing house and will be finished in materials which match the host dwelling. It is noted that the flat roof design is not consistent with the varying roof designs of the existing house however as this element will be sited predominantly to the rear with minimal impact to the streetscene the use of such is considered acceptable.

Saved Policy HG9 of the Adopted Tendring District Local Plan 2007 states that where a property comprises of 2 bedrooms that a private amenity space of 75m² should be retained. The site itself currently benefits from approximately 63m² private amenity space and upon completion of the proposal this will reduce to 53.5m². Whilst this will be under the required amount requested by policy HG9 it is noted that the existing private amenity space is already under the requirements and as the area left would be large enough to still be considered as a "usable" space for the occupants the failure to comply with this policy would be unreasonable grounds to refuse planning permission.

Impact on Neighbours

The proposal will be visible to the neighbouring properties of Hordle Street however as a result of the distance from these neighbours created by the existing path it would not result in a significant loss of residential amenities to them.

The application dwelling currently benefits from a conservatory which is constructed on the shared boundary with 20 Empire Road. This neighbour is a two storey terraced dwelling with a conservatory to the rear and existing extension which has no openings positioned within its rear elevation. The existing conservatory will be removed and the proposed enlargement will be erected 1.5m from this boundary and will match the depth of the previous conservatory. As the proposal will be set off of the boundary and will not exceed the depth of the existing conservatory structure it is considered that it would not result in a significant loss of residential amenities to this neighbour. Furthermore the proposal will be partially screened by the existing fence and due to its siting off of the boundary is likely to enhance views from this neighbours rearward openings allowing for a positive outcome for this neighbour.

Other Considerations

Harwich Town Council has no objection to the proposal.
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: 0307//PL/04, 0307/PL/03 and 0307/PL/05.

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.