

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	16.04.2021
Planning Development Manager authorisation:	SCE	20.04.2021
Admin checks / despatch completed	ER	21/04/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.04.2021

**Application:** 21/00309/FUL                      **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Amy Lambert

**Address:** 3 Hastings Avenue Clacton On Sea Essex

**Development:** Proposed single storey rear extension with glazed roof lantern (following demolition of conservatory).

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

Clacton Non-Parished      No comments required

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

95/00995/FUL	(Remainder of Area 2B, Martello Bay, Clacton on Sea -) Siting and erection of 55 No. dwellings, garages, parking arrangements and ancillary works	Approved	03.07.1996
96/00976/FUL	(Remainder of Area 2B, Martello Bay, Clacton on Sea) Siting and erection of 54 No. dwellings, garages, parking arrangements and ancillary work (variation to planning permission TEN/95/0995)	Approved	08.01.1997
86/01521/OUT	Construction of mixed resort development to include museum complex, watersport facilities and car park, leisure related complex, sheltered housing apartments, holiday village flats	Approved	23.12.1986

and housing with ancillary shopping

21/00309/FUL	Proposed single storey rear extension with glazed roof lantern (following demolition of conservatory).	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 adopted 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 extension with glazed roof lantern (following demolition of conservatory)

The application requires planning permission as a previous condition was found on Planning Permission TEN/95/0995 and TEN/96/0976 restricting the permitted development rights on the property.

### Application Site

The site is located towards the east of Hastings Avenue, within the development boundary of Clacton on Sea. The site serves a semi-detached two storey dwelling finished in brickwork with a pitched tiled roof.

### Assessment

#### Flood Risk

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.

#### 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 will be located to the rear of the dwelling and will measure 4 metres deep by 6 metres wide and an overall flat roof height of 2.7 metres. The proposed extension is considered 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 to the rear and therefore largely shielded to the streetscene by the existing dwelling, however it may be slightly visible from the gap between the dwelling and neighbouring dwelling south-east of the site. The exterior walls will be finished in a matching brickwork, the roof is a flat roof design with roof lantern in the centre and aluminium bi-fold doors with a black powder coat finished to be installed at the rear. The extension is considered to be of a design and appearance in keeping with the existing dwelling and surrounding area with no adverse effect on visual amenities of the area.

### 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 proposal is of a single storey nature and therefore poses no significant threat of overlooking or loss of privacy to the adjacent neighbouring dwellings.

Due to the proposed extensions close proximity to the attached neighbouring dwelling guidelines set out within the Essex Design Guide have been applied. The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would catch the adjacent window on the neighbouring property, however it will not intercept over half of this window in both plan and elevation. Any loss of light caused by the proposal is therefore not considered to be so significant as to justify refusing planning permission. The proposed extension is located away from other neighbouring dwellings and has no impact on the loss of light.

The proposed extension is therefore considered acceptable in terms of residential amenities.

### 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 plans; Drawing No. 01 Revision A

Reason - For the avoidance or 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.

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