

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	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: 21/00398/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs Wright

Address: 43 Boley Drive Clacton On Sea Essex

Development: Proposed addition of hipped roof to first floor flat roof

1. Town / Parish Council

Clacton is Non Parished

2. Consultation Responses

Not Applicable

3. Planning History

92/00362/FUL	Domestic workshop/store	Approved	03.04.1992
87/01494/FUL	Single storey extn to form dining room	Approved	12.10.1987
21/00398/FUL	Proposed addition of hipped roof to first floor flat roof	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

HG14 Side Isolation

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site comprises of a two storey detached dwelling, set back from the front of the site with a driveway and vehicle access to the front. The existing house benefits from an existing flat roof side extension publicly visible within Boley Drive. The site is located within the development boundary of Clacton with the surrounding houses varying in size and design.

Proposal

This application seeks permission for proposed addition of hipped roof on the existing flat roof side extension.

Assessment

Design and Appearance

The immediate area comprises of a vast array of differently designed and sized properties many of which have been extended or altered over time. There is no real uniformity to the existing dwellings within the area and the variation in design contributing to this areas character.

The change of roof will be an noticeable feature within Boley Drive, however its lower height compared to the existing house and hipped roof design will allow it to appear as an appropriate alteration to the host dwelling preventing it from over dominating the existing house and harming it's appearance in the streetscene.

The existing dwelling itself currently benefits from an existing two storey side extension which has a flat roof, whilst this element is appropriate within the streetcene at present the formation of a hipped roof will allow this element to connect to the main house in a more visually appeasing manor improving the overall appearance of the existing house within Boley Drive.

The proposal is of an appropriate size and scale to the main house and will be finished in materials which match the host dwelling.

Due to the variety of dwellings within the area and as the proposal is inkeeping with the existing house it is considered the proposed new roof would not be detrimental to the character and appearance of the local area.

Impact on Neighbours

Due to the nature of the proposal and screening by way of the existing house the proposal would not be visible to the neighbour known as 45 Boley Drive.

The neighbouring dwelling at 41 Boley Drive comprises of a single storey dwelling with two openings currently in situ along its side elevation. These windows currently receive little light and outlook due to their existing positioning facing on to the host dwelling and therefore any loss of

light and outlook resulting from the proposal would be considered unreasonable grounds to refuse planning permission. It is also noted that as the proposed alterations are to the roof and will not protrude the rear wall of the existing house.

Side Isolation

Policy HG14 of the Tendring District Local Plan (2007) states that, extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought. Where circumstances warrant it, a greater distance will be sought.

Policy HG14 of the Tendring District Local Plan (2007) states that, extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to ensure that new development is appropriate in its setting and does not create a cramped appearance. As a guideline a minimum distance of 1 metre will be sought. Where circumstances warrant it, a greater distance will be sought.

It is noted that whilst the proposal does not conform to saved policy HG14 of the Adopted Tendring District Local Plan 2007, the existing extension has been built prior to 1991 and was assessed against other policies which have since been superseded. The proposal is also only for the roof of the existing dwelling which has been assessed above in terms of visual and residential amenities and is considered acceptable in this instance. Furthermore the plot is of a suitable width to allow the completion of the proposal and a 0.5m separation distance from the boundary of 41 Boley Drive will be retained. It is therefore considered the failure to comply with this policy is not so significant to reduce planning permission upon.

Other Considerations

Clacton is non parished and therefore comments of this nature are not expected. There have been no letters of representation received in relation to this application.

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: 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.