

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: 21/00431/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr and Mrs Bright
Address: 6 Norwood Avenue Clacton On Sea Essex
Development: Erection of single storey rear extension (following demolition of existing conservatory)

1. **Town / Parish Council**

Clacton is non parished.

2. **Consultation Responses**

Not applicable

3. **Planning History**

21/00431/FUL Erection of single storey rear extension (following demolition of existing conservatory) 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)
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Application Site

The application site comprises of a semi detached dwelling which is brick in construction. The existing house is set back from the front of the site and currently benefits from an existing garage and driveway with vehicular access. Sited to the rear of the house is an existing conservatory with fencing and planting currently in situ along the neighbouring boundaries.

Proposal

This application seeks permission for the erection of single storey rear extension (following demolition of existing conservatory).

Assessment

Design and Appearance

The proposed extension will be sited to the rear and largely screened by the host dwelling and accompanying garage with some views being achieved between these two elements. Whilst some parts of the proposal will be publicly visible these views will be minor and due to the design and siting of the proposal will not be detrimental to the character and appearance of the dwelling and area.

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

The site is of a sufficient size to accommodate the proposal and still retain adequate private amenity space.

Impact on Neighbours

The proposal will be visible to the neighbouring site south of the application site known as 8 Norwood Avenue however as it will be set 3.5m off of this boundary and screened by the existing boundary treatment and garage, any views of such are likely to be minimal and will not result in a significant loss of residential amenities of this neighbour.

The proposal will result in a loss of light to the neighbouring site to the north known as 4 Norwood Avenue and therefore Sunlight/ daylight calculations specified within The Essex Design Guide have been applied to the plans. The 45 degree line in plan would encompass this neighbours nearest window however in elevation would only strike through the lower section of it. The proposal therefore passes this test and confirms that whilst there will be some loss of light to this neighbour this would not be so significant to refuse planning permission upon.

The proposal is of a single storey design which will largely be screened by the existing boundary fencing and planting which will reduce the impact of the proposal to this neighbour's kitchen window. It is also noted that the proposal will have a flat roof design and will be set 0.3m off of the boundary which would also assist in reducing this impact, based on these reasons it is considered that whilst the proposal will result in loss of outlook to this neighbour that this would not be so significant to refuse planning permission on in this instance.

The proposed plans show that as there will be no windows facing 4 Norwood Avenue the new extension would not result in a loss of privacy to this neighbour.

Other Considerations

Clacton is non-parished and therefore comments of this nature are not expected. 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: BNA-01 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.