

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	23.04.2021
Planning Development Manager authorisation:	JJ	23/04/2021
Admin checks / despatch completed	DB	23.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	23/04/2021

Application: 21/00427/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs Dickerson

Address: 18 York Road Brightlingsea Colchester

Development: Erection of two storey rear extension (following demolition of existing conservatory)

1. Town / Parish Council

Brightlingsea Town Council Support application

2. Consultation Responses

N/A

3. Planning History

None

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

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies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)

Site Description

The application site is located on the eastern side of York Road and comprises of a detached two storey house with rear conservatory. A driveway runs along the side of the dwelling to a detached garage/outbuilding in the rear garden. The site is within the Settlement Development Boundary of Brightlingsea.

Proposal

The application seeks planning permission to demolish the existing conservatory and construct a two storey rear extension.

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 measures 6.4m wide, 3.2m deep, 4.9m high to the eaves and some 7m in total height from ground level. The extension is finished in render, interlocking tiles and white uPVC windows and doors to harmonise with the external finish of the main dwelling. The proposal

provides an open plan kitchen, utility and family room at ground floor and a bedroom with en-suite a first floor.

It is considered that the design, size, sitting and scale of the two storey extension is such that it would not result in any significant harm to the character and appearance of the main dwelling or the rear garden scene. The extension is to the rear of the property and would not be visible within the public realm and would not have a detrimental impact on the wider streetscene. The overall site can accommodate the proposed extension whilst retaining adequate private amenity space.

Therefore the proposed extension is acceptable and policy compliant in these regards.

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 application site is bordered by No. 20 (to the north) and No. 16 York Road (to the south).

No. 20 is a semi-detached bungalow with a driveway and detached garage sited along the shared boundary with the driveway of No. 18 (latter located to the rear), the driveway, including the driveway and placement of the application property is considered to provide sufficient separation distance from the proposed extension. No. 16 is a narrow semi-detached property with rear outrigger. The proposed extension would extend past the rear wall of the main dwelling of No. 16, however the extension does not breach a 45 degree line from the nearest first floor window and appropriate separation is retained between the two properties either side of the shared boundary. Therefore the proposed extension is not considered to harm the amenities of these neighbouring dwellings, in terms of overshadowing, undue sense of enclosure, loss of light, privacy or outlook.

The dwellings to the rear of the site are not considered to be impacted by the proposed extension due to the of separation distances involved.

Therefore the proposal considered to be acceptable and policy compliant in these regards.

Highways issues

The proposal does not alter or increase the parking provision required at the site.

Other Considerations

No representations have been received.

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(s): 101/P/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.

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