

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
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**Application:** 21/00465/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Paul Scott

**Address:** 5 Rowan Close Clacton On Sea Essex

**Development:** Erection of single storey rear extension

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

Clacton Non Parished

### **2. Consultation Responses**

N/A

### **3. Planning History**

21/00307/HHPNO T	Erection of single storey rear extension (5.0m depth, maximum height 2.8m and eaves height 2.8m)	Approved
21/00465/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

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 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 adopt 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**

Erection of single storey rear extension.

### **Application Site**

The application site is located to the south of Rowan Close, a semi-detached dwelling located within the development boundary of Clacton on Sea. The site serves a single storey dwelling constructed of exposed brickwork, with a pitched tiled roof. The dwelling has two car parking spaces to the front.

## **Assessment**

### **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 rear extension would measure 6.4 metres wide by 5 metres deep with an overall height of 2.7 metres. The walls would be finished in exposed brickwork, to remain consistent with the host dwelling. The flat roof would feature a roof light to allow additional light to the space. The rear elevation would feature white UPVC doors and window, consistent with the rest of the dwelling, facing the garden. The side elevation would feature an additional access door and window facing the boundary. This proposal is a single storey construction located to the rear of the host dwelling, so will be almost entirely obscured from view of the streetscene of Rowan Close. The shape of the proposal has been amended to reduce the impact of the extension on the light provision to the neighbouring dwelling. The design of the proposal is deemed sympathetic to the host dwelling and relates well to its surrounding site. As a result, it is deemed that this proposal is of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

### **Impact on 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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring dwellings to the proposal are No.3 and No. 7 Rowan Close.

#### **Impact on No.3 Rowan Close**

The Essex Design Guide makes reference to The Building Research Establishments report "Site Layout 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 single storey rear extension would catch less than half of the doors to the rear of No. 3. As a result the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

Due to the single storey nature of the proposal with no side windows facing towards No.3, there will be no significant impact in terms of outlook or privacy. As a result, it is deemed that the proposed development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 3.

#### **Impact on No.7 Rowan Close**

This dwelling is set away from the proposed development by approximately 4.2 metres, with the existing boundary fence ensuring that the proposal would not materially impact on this dwelling in terms of privacy. As a result, it is deemed that the proposed development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 7.

### **Highway issues**

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

### **Other Considerations**

One letter of representation was received, from the neighbouring property, which featured concerns of the impact of the proposal on light provision. However, the amended design will ensure that the extension is consistent with the adopted standards.

### **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.

- 1815-02A
- 1815-03A
- 1815-05A

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.