

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	20.05.2021
Planning Development Manager authorisation:	JJ	20/05/2021
Admin checks / despatch completed	DB	20.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.05.2021

**Application:** 21/00450/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr R Weightman and Miss C Adams

**Address:** 2 Edward Avenue Brightlingsea Colchester

**Development:** Erection of part two storey and part single storey rear extension and alterations to existing dwelling

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

Brightlingsea Town Council Supports 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

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

#### Section 1

SP7 Place Shaping Principles

#### Section 2

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### Site Description

The application site is located on the eastern side of Edward Avenue and comprises of a detached two storey house with an existing single storey rear extension. There is hardstanding to the frontage for parking. The surrounding area is residential in nature with a mix of designs and styles present within the streetscene. The site is located within the Settlement Development Boundary of Brightlingsea.

### Proposal

The application seeks planning permission to demolish the existing rear extension and construct a part single, part 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. Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

Amended plans have been received during the course of the application which have reduced the depth of the proposed extension by some 0.6m in order to retain a degree of subservience between the extension and the main dwelling and to reduce its dominant impact to neighbouring properties.

The proposed two storey part of the proposal has a hipped roof and measures 4.25m wide, 5m deep, with an eaves height of some 5.65m and a maximum height of 7.15m. The single storey part has a flat roof with roof lantern and measures some 2.45m wide, 5m deep and 3.35m high. The extension is to be finished externally in render, tiles and uPVC doors and windows to harmonise with the main dwelling. The proposal provides a kitchen and living area at ground floor and a bedroom and en-suite at first floor.

It is considered that the design, size, siting and scale of the proposed 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 have limited visibility within the public realm and would not therefore 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 on neighbouring properties

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. 6 Edward Avenue (to the south) and the rear gardens of Nos 55 – 65 John Street (to the north).

No. 6 is a detached chalet dwelling set within a larger than average plot with regards to the surrounding area. This adjacent dwelling has been extended to the rear at single storey level and whilst lower in height than the application dwelling, there is a combined separation distance of 4.25m from this neighbouring dwelling and the proposed extension across the shared boundary.

There is approximately 1.5m separation distance from the proposed extension to the rear boundaries of the properties in John Street, the proposal on this northern side is single storey only.

It is therefore considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or the wider area in terms of loss of light, overshadowing or an undue sense of enclosure.

There is a new side window proposed at first floor on the southern side facing No.6 which would serve the proposed en-suite and it is reasonable to add a condition to any grant of planning permission to ensure that this side window is obscure glazed to mitigate any overlooking or loss of privacy concerns.

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. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

#### Parking Provision and Highway Safety

The existing dwelling is a 3-bedroom property and therefore requires 2 car parking spaces (5.5m x 2.9m) to meet policy requirements. The proposed extension, despite the additional bedroom does not increase or alter the parking requirements on site. The proposal is therefore considered to be acceptable and policy compliant in these regards.

## Other Considerations

No representations 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**

- 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): Site Plan Rev A, 2102/4 Rev A, 2102/5 Rev A, 2102/6 Rev A, 2102/8 Rev A

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The first floor window on the southern flank elevation of the rear extension hereby approved, must be obscure glazed to a minimum of Level 4 on the Pilkington scale of privacy or equivalent, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the residential amenities of the locality, having regard to Policy QL11 of the adopted Tendring District Local Plan (2007) and SPL3 of the emerging Tendring District Local Plan 2013-33 and Beyond Publication Draft.

- 4 The roof of the development hereby approved shall not at any time be used as a balcony or sitting out area neither shall any balustrade, railings, wall or other means of enclosure be erected on any part of the roof.

Reason - To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy QL11 of the adopted Tendring District Local Plan (2007) and emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

## **8. Informatives**

Positive and Proactive statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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