

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	27/05/2021
Planning Development Manager authorisation:	JJ	27/05/2021
Admin checks / despatch completed	DB	27.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.05.2021

Application: 21/00521/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Shami

Address: 76 Brooklands Jaywick Clacton On Sea

Development: Erection of roof extension to form habitable space with associated balcony

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

N/A

3. Planning History

21/00521/FUL Erection of roof extension to form Current
habitable space with associated
balcony

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL3 Minimising and Managing Flood Risk

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) (Section 1 adopted on 26th January 2021)

SPL3 Sustainable Design

PPL1 Development and Flood Risk

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application site refers to 76 Brooklands, Jaywick, a single storey dwelling located within the settlement boundary of Jaywick and flood zone 3.

Proposal

This application seeks planning permission to erect a roof extension to form habitable space with associated balcony.

Assessment

The main considerations for this application are the design and appearance, the impact upon neighbouring amenities, flood risk and other considerations.

Design and Appearance

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The existing dwelling measures approximately 5.4 metres in height. The proposal seeks to raise the roof to approximately 5.8 metres which will result in an increase to accommodate the lounge to the first floor. The application site is located on a corner plot between Brooklands and Swift Avenue and although the proposal will be visible from the street scene, due to there being a mixture of dwellings within the surrounding area, the design of the roof extension is of a sufficiently good quality to ensure that the proposal will be in keeping with the character of the area. The proposal consists of a dormer window with a balcony to the front elevation with a side window to the east and west as well as three roof lights to the rear.

The proposal will be constructed from fibre cement cladding, concrete interlocking tiles and UPVC windows and doors. The proposed materials are considered to be in keeping with the character of the area.

Impact upon neighbouring amenities

Due to the application site being a corner plot, the proposal will be visible to number 74 Brooklands and number 1 Swift Avenue.

The proposal incorporates three roof lights to the rear which will serve the lounge however these will be high level and therefore are not considered to cause any harmful overlooking onto neighbouring amenities.

There are two side elevation windows proposed, the window to the west has been labelled as obscure glazed to ensure that there is no overlooking onto the neighbouring amenities – there will be a condition to ensure the obscure glazing is retained in perpetuity.

The dormer window and balcony to the front elevation is not considered to cause any impact upon neighbouring amenities as the neighbouring property to the west is set slightly forward of the application property, and the views will be towards the road and beach to the front of the dwelling.

Flood Risk

Policy QL3 of the Tendring District Local Plan (2007) states that the Council will ensure that flood risk is taken into account, and that all planning applications for development in Flood Zone 2 & 3 will require a Flood Risk Assessment.

The site is located within Flood Zone 3. A Flood Risk Assessment has been provided in line with the Environment Agency's standing advice. The proposed development incorporates a first floor to accommodate a lounge with a balcony to the front elevation, thereby improving the current living arrangements in the event of a flood. The agent has confirmed that the floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate.

Other considerations

Clacton is non parished.

No letters of representation 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 plans:

- Drawing No. P01

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the bathroom on the western first floor elevation shown on Drawing No. P01 shall be non opening and glazed in obscure glass prior to first occupation and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO