

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	24/05/2021
Planning Development Manager authorisation:	SCE	26.05.2021
Admin checks / despatch completed	DB	27.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.05.2021

Application: 21/00571/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Malcolm Wade

Address: 5 Lyndhurst Road Holland On Sea Clacton On Sea

Development: Proposed single storey rear extension and garage conversion with bay window, velux's and balcony to the first floor elevations.

1. Town / Parish Council

Holland on Sea non parished

2. Consultation Responses

Not applicable

3. Planning History

21/00571/FUL Proposed single storey rear extension and garage conversion with bay window, velux's and balcony to the first floor elevations. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application Site

The application site comprises of a detached dwelling with associated garage and driveway. Sited in the rear is an existing outbuilding with fencing in situ along the shared neighbouring boundaries.

The dwelling has previous extensions to the rear as well as a dormer window at first floor level.

The materials used in the dwelling comprise of a dark redbrick to the front elevation and bay windows and render to the existing side and rear.

Proposal

This application seeks permission for proposed single storey rear extension and garage conversion with bay window, velux's and balcony to the first floor elevations.

The balcony has since been amended to include a 1.8m obscure glazed panel facing the neighbour of 7 Lyndhurst to reduce the level of privacy lost. This change has been accommodated via the submission of amended plans.

Representations

The below representations have been received in relation to this application;

Three letters of objection have been received on initial receipt of the application and a second on receipt of amended plans. The comments included the below concerns.

- Loss of privacy
- Reduction in value of property
- Design of proposal is not in keeping with existing house or streetscene.

It is hoped that the below will address these concerns raised.

Assessment

Design and Appearance

The alterations to the garage will be a minor improvement to the existing house to accommodate the conversion of the garage. These elements will be set back from the front of the site and due to their minor nature would not appear as a harmful or prominent change to the appearance of the house.

The rear extension will be predominantly to the rear and screened by the host dwelling and garage. Any views of this element achieved between the spaces between the neighbouring buildings will be minimal and will not infringe upon the character and appearance of the existing house or streetscene.

The new bay window will be sited at first floor level and will be visible from Lyndhurst Road however as it will be set back from the front wall of the house would not appear as a prominent or harmful feature within the streetscene.

The balcony is of a suitable size which will be to the rear with some elements being visible from Lyndhurst Road however due to its small scale nature any views achieved would not have a harmful impact to the existing dwellings character or appearance.

The proposal will be largely finished in render which will match the colour used on the side and rear elevations of the existing house. It was suggested that the use of solely brick would be better in terms of visual amenity however due to problems sourcing the exact same colour of brick to the existing house this has not been achievable. As other properties within the area are finished in render and as the proposal is significantly set back from the front of the site the use of render in this instance is considered acceptable.

The proposed veluxs will be to the front and are of a size and siting which will not result in a harmful impact to the appearance of the dwelling or area.

The site is of a suitable size to support the proposal and still retain appropriate private amenity space.

In conclusion the proposal is considered an appropriate addition to the main house which will not detract from the overall appearance and character of the existing house or area.

Highway Safety

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that a 2no parking spaces should be retained measuring 5.5m by 2.9m per space.

The proposal will result in the loss of the existing garage however the front of the site is large enough to accommodate two off street parking spaces in line with the above standards and would therefore not contravene highway safety.

Impact to Neighbours

Sited to the south of the site is a block of flats known as Lyndhaven Court with associated car park to the rear. The proposal will be visible to them however due to the proposals nature, design and siting away from the shared boundary would not result in a significant loss of residential amenities to these neighbouring occupants.

The proposed extension will not result in a loss of residential amenities to the neighbouring dwelling sited north of the site known as 7 Lyndhurst Road as it will not extend past the rear wall of the existing house and therefore not likely to be visible to them.

The proposed balcony will replace the existing dormer window which currently has views into this neighbours garden and will result in additional overlooking to this neighbouring dwelling and an objection letter has been received raising concerns over the loss of privacy in this instance. This proposed balcony will be embedded into the roof of the existing house and will replace the existing dormer window achieving similar views of this neighbours garden. The depth of the

balcony will be 1m and upon the officer's request the plans have been amended to show a 1.8m obscure glazed screening panel along the side elevation facing this neighbour. The use of such a screening panel will restrict views into this neighbour's garden preventing the proposal from resulting in such a significant loss of privacy to refuse planning permission upon. A condition will also be imposed upon the permission to retain this screening panel in perpetuity to ensure the neighbour's privacy is safeguarded.

It is noted that the above objection states concerns over the proposal reducing the value of their property as a result of the development, unfortunately this is not a material planning consideration. There are no neighbouring properties to the rear of the site.

Other Considerations

Holland is non-parished and therefore comments of this nature are not expected.

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 plans;

Amended Proposed Elevations - 02
Amended Proposed Floor Plans - 02

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

- 3 The 1.8m obscure glass privacy screen shown on "Amended Proposed Elevations 02" shall be installed prior to first use of the hereby approved balcony area to which it relates and shall be retained as such thereafter.

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

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.