

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	09/06/2021
Planning Development Manager authorisation:	SCE	11.06.2021
Admin checks / despatch completed	DB	11.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	11/06/2021

**Application:** 21/00054/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Jack Sandford

**Address:** 1 Bembridge Close Clacton On Sea Essex

**Development:** Erection of single storey rear extension (following demolition of existing extension).

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

Clacton on Sea is non parished

### **2. Consultation Responses**

Not applicable

### **3. Planning History**

18/30228/PREAPP	Loft conversion with rear dormer.	Refused	04.01.2019
19/30045/PREAPP	Proposed loft conversion.	No permission needed	25.03.2019
21/00054/FUL	Erection of single storey rear extension (following demolition of existing extension).	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Adopted Tendring District Local Plan 2007 (part superseded)  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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)  
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

### Application Site

The application site comprises of a semi detached bungalow which is set back from the front of the site. Sited to the rear the existing garden area is mainly patio with a small number of outbuildings/ structure and fencing along the neighbouring boundaries. The existing dwelling has been finished in grey render with some grey boarding to the first floor dormer window at the rear.

### Proposal

This application seeks permission for the erection of a single storey extension to the rear.

The application was initially submitted under the householder prior notification route however as the eaves height exceeded the height of those of the existing house planning permission is required and subsequently this formal planning application has been submitted.

### Assessment

#### Design and Appearance

The proposal will be sited to the rear with some minor views being achieved through the open spaces between the existing dwelling and neighbouring sites in Lymmington Avenue. The proposal will be set back from the front of the site and predominantly screened by the host dwelling ensuring any views are minor and do not infringe upon the dwelling or areas character or appearance.

The proposal is of an approximate size and scale in relation to the existing house and will be finished in materials which are consistent with the existing house.

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

In conclusion the proposal is an appropriate addition to the existing house which would not result in a harmful impact in terms of visual amenity.

### Impact on Neighbours

The sites northern boundary looks onto the rear elevations of a number of properties sited down Lymmington Avenue. In between these sites is an existing pathway providing access to these neighbours rear gardens. Whilst the proposal will be visible to these neighbours over their existing rear boundary fencing it is of a single storey design which will be sited ample distance away and would not result in a significant reduction to their residential amenities.

Sited to the south of the site is the adjoining neighbour of 3 Bembridge Close which has 1no window along its rear elevation and an existing conservatory. These properties are divided by an existing boundary fence.

The proposal will be sited along the boundary to this neighbour and therefore will result in a loss of outlook to this neighbours rear window. The proposal will have a low height of 2.5m and comprise of a flat roof design so will be partially screened by the existing fence. It is also noted that under permitted development that this fence could be increased in height to 2m which would further reduce the impact of the proposal. It is therefore considered that the loss of outlook in this instance would not be so significant to refuse planning permission upon in this case.

The orientation of the sites and the proposals flat roof design will prevent the loss of sunlight to this neighbour.

The proposal is absent from any windows along its side elevation and would therefore not result in a loss of privacy to this neighbour.

### Other Considerations

Clacton is non parished and therefore no comments of this nature are expected. No letters of representation have been received.

### 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 plan: 01B.

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.