

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: 21/00673/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Hickman

Address: 3 Station Road Brightlingsea Colchester

Development: Erection of single storey rear extension

1. Town / Parish Council

Brightlingsea Town Council
13.05.2021

Supports application

2. Consultation Responses

Essex County Council Heritage
24.05.2021

The application is for erection of single storey rear extension.
The Site is located in the Brightlingsea Conservation Area.
There is no objection to this application.

3. Planning History

21/30065/PREAPP	Proposed in-fill rear extension.	Support	01.04.2021
21/00673/FUL	Erection of single storey rear 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Adopted Tendring District Local Plan 2007 (part superseded)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
EN17 Conservation Areas
HG9 Private Amenity Spaces

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SPL3 Sustainable Design
PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site comprises of a two storey end terraced dwelling with area for parking to the side. The existing house has previously been extended to the rear and there is fencing sited along the neighbouring boundaries.

The site is located within the conservation area for Brightlingsea.

Proposal

Erection of single storey rear extension.

The proposed enlargement will be set in between two existing extensions and will "infill" the space between these two enlargements.

Assessment

Design, Appearance and Heritage impact

The proposal is of a size and scale which is appropriate to the existing house.

The roof will comprise of a slate to match the existing house and a UPVC door will be inserted to the rear and will take up the proposals entire width. As the proposal will be to the rear these elements will not be visible and will therefore the use of such will not be detrimental to the appearance of the existing house or area.

The proposed extension will be sited to the rear and not publicly visible preventing it from having a harmful impact on the appearance and character of the existing dwelling and area.

The Adopted Tendring District Local Plan 2007 states within policy HG9 (private amenity spaces) that houses comprising of 3 or more bedrooms should retain a private amenity space of 100m². The existing site has approximately 101m² of private amenity space and upon completion of the proposal these will decrease to 97.4m (approx.). Whilst the resultant private amenity space will be under the requirements of saved policy HG9 it still represents a "usable" area for the occupant and therefore the loss of private amenity space in this instance is considered unreasonable grounds to refuse planning permission upon.

The site is located within the conservation area and due to the proposals siting to the rear of the house the new extension would not result in a harmful impact to the overall character and appearance of the conservation area. It is also noted that special mention of the site has not been made within the Brightlingsea Conservation Area appraisal and that a heritage statement has been submitted with the application detailing the impact of the proposal to the conservation area in line with the requirements of the NPPF.

As the site is located within the Brightlingsea Conservation Area Essex County Council Heritage have been consulted and has no objection to the proposal.

Impact on Neighbours

The proposal will be screened by aspects of the existing house and will not be visible to neighbouring properties.

Other Considerations

Brightlingsea Town Council have no objection to the proposal. there have been no letters of representation 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: P01.

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.

