

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	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:** 21/00731/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Ayling

**Address:** Twiga 25 Preston Road Holland On Sea

**Development:** Erection of single storey rear extension and new detached garage to replace existing

### 1. Town / Parish Council

Clacton Non-Parished No Comments Required

### 2. Consultation Responses

Not Applicable

### 3. Planning History

21/00655/LUEX Certificate of lawfulness sought for a single storey side extension built by a previous property owner. Current

21/00731/FUL Erection of single storey rear extension and new detached garage to replace existing 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Adopted Tendring District Local Plan 2007 (part superseded)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)

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Proposal**

This application seeks permission for the erection of a single storey rear extension and new detached garage to replace existing dwelling.

### **Application Site**

The site is located towards the north of Preston Road within the development boundary of Clacton on Sea. The site serves a detached dwelling finished in painted render with a low brick plinth and pitched tiled roof. The front of the site is paved with some shrubbery.

## Assessment

### 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. Saved Policies QL9, QL10 and QL11 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 and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed single storey rear extension will serve as a garden room and will measure 4.4 metres wide by 2.8 metres deep with a maximum height of 3.4 metres. The proposed extension is considered to be of a size and scale in keeping with the existing dwelling with the application site retaining adequate private amenity space. The exterior walls will be finished in a matching render to blend with the existing dwelling and the roof will be finished in a matching roof tile. The windows and doors will be of a matching white UPVC. The proposal is located to the rear and therefore not visible to the streetscene. The extension is considered to be of a design and appearance appropriate to the existing dwelling with no adverse effect on visual amenity.

The proposed garage will replace the existing garage at the site. The proposed garage will measure 5.5 metres deep by 3 metres wide, to match that of the existing garage, the overall pitched roof height will be increased to measure 3 metres. The proposed garage is of the same width and depth of the existing garage and is therefore considered to be of an appropriate size and scale to the existing dwelling, it is located to the west of the site and is set back from the dwelling, it will be visible to the streetscene however as it is set back on the site it will not appear overly prominent. The garage is of a similar appearance to that of the existing garage and is considered to be of a design and appearance in keeping with the existing site with no adverse effect on visual amenities.

### Impact to Neighbouring Amenities

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 Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would not intercept the adjacent neighbouring dwellings and has no impact on the loss of light. The proposed garage also has no more of an impact on the loss of light than that of the existing garage.

The proposed extension and garage are both of a single storey nature and therefore pose no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings.

The proposed development is therefore considered acceptable in terms of residential amenity.

### Highway issues

The proposed replacement garage fails to meet Essex Highways standards for a garage to measure a minimum of 7m x 3m, however as this is the same measurements as the existing garage and the site has adequate parking to the front of the site the proposal is considered acceptable in terms of highway safety.

Other Considerations

Clacton is non-parished and therefore no comments are required.

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 / Reasons for Refusal**

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. BMA-E02

Drawing No. BMA-P04

Drawing No. BMA-P05

Drawing No. BMA-P02

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.

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

YES

NO