

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	10.06.2021
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: 21/00714/FUL **Town / Parish:** Clacton Non Parished

Applicant: Tulip

Address: 92 Jaywick Lane Clacton On Sea Essex

Development: Proposed loft conversion incorporating replacement roof, demolition of existing side outbuilding and existing rear extension, new garden room.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

21/00714/FUL	Proposed loft conversion incorporating replacement roof, demolition of existing side outbuilding and existing rear extension, new garden room.	Current
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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Adopted Tendring District Local Plan 2007 (part superseded)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

HG9 Private Amenity Space

HG14 Side Isolation

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 County Council Car Parking Standards

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for a loft conversion incorporating replacement roof, demolition of existing side outbuilding and existing rear extension, new garden room. The site is located to the west of Jaywick Lane within the development boundary of Clacton on Sea, serving a single storey detached bungalow.

Design and Appearance

The surrounding area consists of dwellings of differing heights, designs and finishes, with a mixture of bungalows and larger properties.

The proposal at 92 Jaywick Lane will alter the appearance of the bungalow as it is today. The proposed gabled pitched roof will replace the existing hipped pitched roof, raising the ridge height by 2.2 metres to allow for two bedrooms in the roof space. The front elevation would feature a open oak frame porch to the right side of the dwelling, with an additional wide window in the gable facing Jaywick Lane. It is considered, that the proposed design and finish would represent an improvement in the visual amenity of the site. The rear elevation would feature a first floor Juliet balcony with glass balustrade, leading from the new bedroom. The rear elevation would also feature bifold doors to provide access to the rear garden. Finally a garden room will be constructed to the rear, which will be a flat roof construction with exposed brickwork sides and a large expanse of windows along the rear.

The proposed finish of the bungalow will modernise its look in the street scene with a smooth rendered finish and blue/black slate tiles to the roof. All windows and doors will be completed in white UPVC to match the existing host dwelling. The site can accommodate a proposal of this scale and design whilst retaining adequate private amenity space. The design and finish is deemed to provide a significant improvement to the current dwelling, and be complimentary to the street scene and surrounding locale.

Impact upon Neighbouring Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case, there is a distance of 0.8 metres to the northern side boundary and 0.6 metres to the southern side boundary. However, this will not be altered by the proposal, as the first floor will be formed over the original footprint of the bungalow, while the eaves height will remain the same. The distance to neighbouring properties is not being altered by the proposal and whilst the proposal does not meet the requirements of HG14 it is deemed not significant enough to refuse planning permission on this basis.

The new roof will feature additional roof lights on both side elevations; however, their location will be close enough to the ridge that they would not cause an impact on neighbour's privacy. The rear Juliet balcony is not deemed to impact on neighbour privacy, as it is located off a bedroom, which is not considered a primary habitable room.

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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring dwelling to the proposal would be number 6 Planton Way.

Impact on 90 Jaywick Lane

It is deemed that daylight provision would not be reduced further than is currently the case, as the dwelling is west facing the impact would also be reduced. The proposal would also not feature any side facing windows, which could compromise privacy. As a result, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

Impact on 94 Jaywick Lane

The proposed rear extension would be built along the boundary line separating the two neighbouring dwellings. As the proposal is single storey, it would be mostly obscured from view by the existing fence line. It is also deemed that daylight provision to the neighbouring rear door would not be overly compromised as a result of this development. The proposal would also not feature any side facing windows, which could compromise privacy. As a result, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

Highways Considerations

The two parking spaces to the front of the dwelling meets the required standards for a property of this scale.

Other Considerations

No other letters of representation have been received.

Conclusion

In the absence of material harm resulting from the development 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.

- 0849_A_SC_05
- 0849_A_SC_06

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 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.