

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	10 <sup>th</sup> June 2021
Planning Development Manager authorisation:	TF	17/06/2021
Admin checks / despatch completed	DB	17.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	17.06.2021

**Application:** 21/00546/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mrs Maria Harwood

**Address:** 65 Feverills Road Little Clacton Clacton On Sea

**Development:** Variation of condition 2 (Approved Plans of Planning Permission ref: 19/01888/FUL (Proposed rear conservatory) dated 26/02/2021. Variation to widen the conservatory by 2.5m

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

None received

### **2. Consultation Responses**

None received

### **3. Planning History**

11/00809/FUL	Proposed rear extension to form additional accommodation.	Approved	17.08.2011
19/01888/FUL	Proposed rear conservatory.	Approved	26.02.2020
21/00546/FUL	Variation of condition 2 (Approved Plans of Planning Permission ref: 19/01888/FUL (Proposed rear conservatory) dated 26/02/2021. Variation to widen the conservatory by 2.5m	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*Adopted Tendring District Local Plan 2007 (part superseded)*

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

*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

SP3 Spatial Strategy for North Essex

SP7 Development and Delivery of New Garden Communities in North Essex

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Site Description**

The dwellings is a circa 1970's, semi-detached 1.5 storey dwelling on the edge of Weeley Heath inside the development boundary. The rear garden adjoins an open field. The property has an existing single storey flat roof extension at the back 4.2 metres deep stretching the width of the original dwelling. There is a 1.8m wooden fence on the shared boundary with adjoining semi, No. 63.

### Proposal

The applicant seeks permission to make alterations to the width of the conservatory as approved through planning reference number 19/01888/FUL. As approved, the width of the conservatory was 4.5m; as proposed this width would increase to a total of just under 7m. The enlargement would now be in-set from each flank an equidistant width. The overall depth of the conservatory remains at 5 metres deep; as do the eaves. The roof is hipped on three elevations and has a ridge height in the region of 3.7m

### Principle

The principle of the development has been established through the granting of application 19/01888/FUL, subject to the detailed considerations discussed below.

### Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. 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 SP7 reflects these considerations.

In regards to the enlarged footprint, the increased width has no greater or lesser impact on either the host dwelling or wider streetscene in general overall and above the existing approval.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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 other 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 SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In regards to the attached neighbour No. 63, the extent of the development proposed would have no greater impact than the scheme as approved. In regards to the neighbour at No. 67 which is sited to the east of the development, whilst the addition is now much wider than before, it is still off-set from the outer flank wall by 0.5m and a total separation of 1.5m from the shared boundary exists. For these reasons the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

### Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the

proposal will generate. These objectives are supported by emerging Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal does not generate a further need for parking spaces nor diminishes the current level of parking.

## 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:- HFR-01 REV A, received 22nd April 2021.

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?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO