

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	24.06.2021
Planning Development Manager authorisation:	JJ	24/06/2021
Admin checks / despatch completed	CC	25.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	25.06.2021

**Application:** 21/00737/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mr and Mrs Fisher

**Address:** Kingfishers Clacton Road Thorrington

**Development:** Erection of first floor side extension over garage, two storey rear extension to form annex/garden room and single storey rear extension to form cinema room

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

Thorrington Parish Council      No comments received

### **2. Consultation Responses**

N/A

### **3. Planning History**

None

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses  
HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

#### Section 1 (Adopted)

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

#### Section 2 (Emerging)

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 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 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 application site is located on the southern side of Clacton Road, within the settlement development boundary of Thorrington. The site comprises of a large detached dwelling with integral double garage and rear conservatory. The site is one of a group of three large dwellings, set back from the main highway with a shared access way. To the rear is open farmland.

### Proposal

The application seeks planning permission to construct a first floor side extension to the eastern side, over the existing garages, which would emulate the hipped roof design of the gable end roof of the main dwelling. The proposal also seeks to demolish the existing rear conservatory and construct a single storey rear extension (on the western side) and construct a two storey pitched roof rear extension (on the eastern side).

The first floor side extension measures 6.2m wide, 7.85m deep and has an eaves height of 5.3m and a maximum height of 8.1m (from ground level) which matches that of the main dwelling.

The single storey rear extension has a flat roof with central roof lantern and measures 4.5m wide, 6m deep and has an eaves height of 2.6m and a maximum height of 3.3m.

The two storey rear extension measures 6.4m wide, 10m deep and has an eaves height of 4m and a maximum height of 6.2m

The external materials proposed are face brick work, hanging tiles, vertical timber cladding (to the rear), concrete interlocking roof tiles and uPVC windows and doors.

The proposal would provide an additional two bedrooms at first floor along with a self-contained one bed annexe. At ground floor is a garden room and cinema room.

## Appraisal

### Principle of Development

The site is occupied by a residential dwelling and in principle, extending the dwelling and providing habitable accommodation in the form of a self-contained annexe is considered acceptable, providing that it remains ancillary to the main dwelling i.e. it does not form a separate planning unit operating independently from the main house. The site is within the settlement development boundary of Thorrington, where development of this nature is permitted.

The proposed annexe has all the accommodation required to be capable of operating as a self-contained dwelling. There remains a relationship between the annexe building and the main dwelling due to the siting of the annexe at first floor, above the proposed garden room, however there is limited amalgamation with the main dwelling and only at ground floor, via the utility room. The annexe is accessed via stairs from the new garden room and there is no access to the first floor of the dwelling from the proposed annexe.

No information has been submitted with the application as to whom will be occupying the annexe. On balance, therefore it is considered that it would be reasonable to add a condition to any grant of planning permission, in order to ensure the first floor annexe is not occupied at any other time other than for the purposes ancillary to the residential use of the main dwelling, Kingfishers, Clacton Road, Thorrington.

The principle of extending the dwelling and providing annexe accommodation within this residential location is considered to be acceptable. All other relevant material planning considerations are discussed below.

### Design, Appearance and Impact on the Character of the Area

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. Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

The surrounding area is residential, but with a fairly open and rural character within the village of Torrington. The application dwelling is one of a group of three large detached dwellings, set back from the main highway with their own shared access. The dwellings are of varying designs and styles and are bordered to the rear by open farm land.

The proposed extensions would constitute large additions to the existing dwelling, however given the size of the site, it can comfortably accommodate the proposal without it appearing cramped and would maintain a 1m side isolation. The extensions do not increase the overall footprint of the dwelling out to the side boundaries. The design of the extensions are considered to be acceptable and are considered to be proportionate to the size and scale of the main dwelling.

The side extension reflects the design, scale and height of the main dwelling and utilises matching external materials to harmonise with the main dwelling and would not harm the visual amenity of the surrounding streetscene.

The proposed two storey rear extension is of a subservient nature and is set down from the main ridge, with the first floor accommodation effectively in the roof of the extension, thus reducing the overall bulk and mass of this element of the proposal. The rear extensions are to be clad in

vertical timber cladding, which is not currently seen on the dwelling, however these extensions are to the rear and would not be visible within the wider streetscene and is therefore considered to be in keeping with the rear garden scene.

The site overall provides parking and amenity space significantly in excess of the local plan policy requirements. The extension is a large addition to the main dwelling, however is not considered given the size of the site, the proposal represents over-development of the plot.

In conclusion the proposed extension is an acceptable form of development and would not result in a visually harmful impact on the rear garden scene or the wider streetscene.

### Impact on Residential Amenities

Despite the overall size and scale of the proposed extensions, it is not considered that the proposal would result in any significant impact upon neighbouring amenities in any regard, due to the size and scale of the neighbouring properties and their plots and the overall separation distances from the extensions.

The only first floor side windows are to the two storey rear extension and these are rooflights. However it is considered that views of the neighbouring property Nightingales would be afforded from the three rooflights facing the shared boundary. It is therefore considered appropriate to condition these windows to be obscure glazed and non-opening to mitigate any overlooking or loss of privacy concerns.

### Highways issues

The proposal does not alter or increase the parking provision required at the site.

### Other considerations

Two representations have been received.

Summary of matters raised:

- Noise from cinema
- Overlooking
- Loss of privacy from first floor windows
- Disproportionate in bulk and massing to original dwelling.
- Out of character with streetscene
- Overdevelopment of the plot
- Two storey extension overbearing in height
- First floor windows should be either removed or obscure glazed.

[Officer Comment: The above issues have either been addressed in the report, or will be covered by planning conditions. The issue raised in respect of noise from the proposed cinema is not considered to be a reason to turn this application down that could be sustained at a planning appeal. The proposal will be subject to building regulations and similar internal entertainment areas/TV room in a residential unit such as this is common across the country.]

## **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(s): P01

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The rooflights in the east facing roofslope of the rear extension facing 'Nightingales' hereby approved, must be obscure glazed to a minimum of Level 4 on the Pilkington scale of privacy or equivalent, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the residential amenities of the locality, having regard to Policy QL11 of the adopted Tendring District Local Plan (2007) and SPL3 of the emerging Tendring District Local Plan 2013-33 and Beyond Publication Draft.

- 4 The annexe building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Kingfishers, Clacton Road, Thorington and shall not be sold, let or used as an independent residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, in accordance with Policy QL11 of the Adopted Tendring District Local Plan 2007 (part superseded) and Policy SP7 and emerging Policy SPL3 of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

**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.

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