

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	24/06/2021
Planning Development Manager authorisation:	SCE	29.06.2021
Admin checks / despatch completed	ER	30/06/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.06.2021

**Application:** 21/00338/FUL **Town / Parish:** Harwich Town Council

**Applicant:** Mr and Mrs Kioussis

**Address:** 19 Hall Lane Dovercourt Harwich

**Development:** Proposed demolition of garage and erection of two story side extension (to include ground floor garage) and replacement porch extension

**1. Town / Parish Council**

Harwich Town Council No Objections received

**2. Consultation Responses**

Not applicable

**3. Planning History**

19/00278/FUL	Proposed single storey extension following demolition of existing extension.	Approved	18.04.2019
21/00338/FUL	Proposed demolition of garage and erection of two story side extension (to include ground floor garage) and replacement porch 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Adopted Tendring District Local Plan 2007 (part superseded)  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  
QL3 Minimising and Managing Flood Risk  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development  
HG14 Side Isolation

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

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design

Local Planning Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Application Site**

The application site comprises of a two storey detached dwelling with existing attached garage and front porch. The house is set back from the front boundary with planting and a low wall along the front boundary. The existing garage is brick in construction and is sited along the neighbouring boundary with a driveway and vehicular access to the front. Sited to the rear is an existing outbuilding and fencing along each of the shared boundaries.

### **Proposal**

This application seeks planning permission for the erection of two story side extension (to include ground floor garage) and replacement porch extension following the demolition of the existing side garage.

The proposed scheme has since been amended to show a lower height and 0.3m separation between the proposal and the neighbouring boundary.

## Assessment

### Design and 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.

#### Side Isolation:-

The District Planning Authority considers that the side spaces created between buildings are of the utmost importance in areas of medium and low density housing. In such areas, development up to a common side boundary normally appears cramped, often creating an unbalanced terraced effect. Indeed, in many locations even the minimum one metre side isolation space between a dwelling and the side boundary of the site, as specified in the policy, would appear unsatisfactory visually. In such instances larger side isolation space will be required.

A further reason for maintaining an appropriate side isolation space is to ensure that the impact of residential development on the amenities of adjoining residents is of an acceptable level, without new structures or buildings appearing too close and over dominant, or resulting in overlooking and serious loss of aspect, or daylight. Moreover, if an adjoining plot is undeveloped, to allow buildings up to the common boundary could prevent the satisfactory development of the adjoining site at a later date and prejudice the amenities of future neighbours.

Policy HG14 requires that proposals for extensions to dwellings over 4 metres in height, will be required to retain appropriate open space between the dwelling and the side boundaries of the plot to ensure that new development is appropriate in its setting, does not create a cramped appearance, to safeguard the amenities and aspect of adjoining residents and, in the case of undeveloped adjacent plots their satisfactory development at a later stage.

The proposed side extension measures 6.4m in height and will be 0.3m from the boundary failing to comply with the sentiments in saved policy HG14 above. The site is a fairly wide plot with an existing garage sited along its neighbouring boundary shared with 20 Hall Lane. This neighbouring dwelling is a bungalow. The amended design of the proposal will incorporate a hipped roof design and a set back from the front wall by 0.5m as well as gap between the proposal and boundary of 0.3m. Whilst the proposal will result in a loss of open space between the plots it is considered that the amendments to the roof design and the reduction of width would still retain some of the open space between houses preventing it from appearing cramped in appearance. The failure to comply with Saved Policy HG14 is considered not so significant to refuse planning permission upon in this instance.

The proposed side extension will be lower in height compared to the main house, will be amply set back from the front of the site and set back from the front of the house by 0.5. This lower height and set back will prevent the proposal from over dominating the existing house allowing it to appear as a subservient addition. It is also noted that the eaves height of the side extension will be the same as the host dwelling and the design will incorporate a hipped roof further reducing its prominence.

The proposed porch will be sited to the front and will replace the existing flat roof glazed addition currently in situ. This new element will be set back from the front of the site to reduce its prominence and will appear consistently with other dwellings who already benefit from porch and canopy features nearby. It is considered that this change would be a visual improvement to the site with the hipped roof appearing consistently with the new side extension.

The existing house is currently constructed from brick with some yellow and white render detailing. The white render detailing will be applied to the new extension and porch (and the remainder of the house). The use of render to these elements will allow the new additions and house to appear consistently with one another. As the area comprises of houses varying in materials and colour it is considered the use of such in this case is acceptable and would not be detrimental to the appearance and character of the dwelling or area.

#### Impact to Neighbours

The proposed porch is of a nature and siting away from boundaries which will prevent it from resulting in a loss of residential amenities to the neighbouring properties.

The proposed two storey side extension will be screened by the host dwelling and not visible to 18 Hall Lane.

Sited to the south of the site is "20 Hall Lane" which comprises of a detached bungalow close to the sites boundary and set further back on its plot. As a result of this neighbours positioning the proposal will not extend past their rear wall and will therefore not affect any of their rearward facing openings. This neighbour does have openings along its side elevation which face directly onto the application dwelling garage and outbuilding at the rear which as a result receive very little to no outlook.

As a result of amendments to the proposed scheme the proposal will be sited 0.3m from this neighbours boundary. Whilst there will still be some light and outlook lost to these neighbours openings as they receive very little of this at the moment the loss of such is considered unreasonable grounds to refuse planning permission upon. Furthermore the separation distance between the boundary of 0.3m will improve the daylight received to this neighbour via these windows.

A new window will be inserted to the rear elevation at first floor level and will serve an ensuite. As a result of the nature of the room which this window serves it is likely to be obscure glazed and would receive limited views. It is also noted that the neighbours gardens are already overlooked by the host dwelling. The level of privacy lost in this case would be minimal and not a reason to refuse planning permission upon.

#### Highway Safety

The Essex County Council Parking Standards states that where a house comprise of two or more bedrooms that 2no. off street parking spaces should be retained at the site which measure 5.5m by 2.9m per space. These standards also state that garages should have a minimum internal measurement of 7m by 3m.

The proposal will result in the loss of existing space at the front of the site and the existing garage. The proposed garage will not meet the above requirements in terms of garage sizes however there is sufficient space to the front of the site to accommodate the parking of two vehicles in line with in line with the above standards.

The proposal will therefore not contravene highway safety.

#### Other Considerations

Harwich Town Council have no objections to the proposal.

There have been no letter of representation received in relation to the application.

A Flood Risk assessment has been provided although the site is not located within an area of national flood risk however the information contained within is acceptable to mitigate the risk of flooding.

#### 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:

- Amended Block Plan – Received 10th June 2021

- Amended Existing and Proposed East Elevation – Received 10th June 2021
- Amended Existing and Proposed West Elevation – Received 10th June 2021
- Amended Existing and Proposed North Elevation – Received 10th June 2021
- Amended Existing and Proposed South Elevation – Received 10th June 2021

- Amended Existing and Proposed Ground Floor Plan – Received 10th June 2021
- Amended Existing and Proposed First Floor Plan – Received 10th June 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 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.