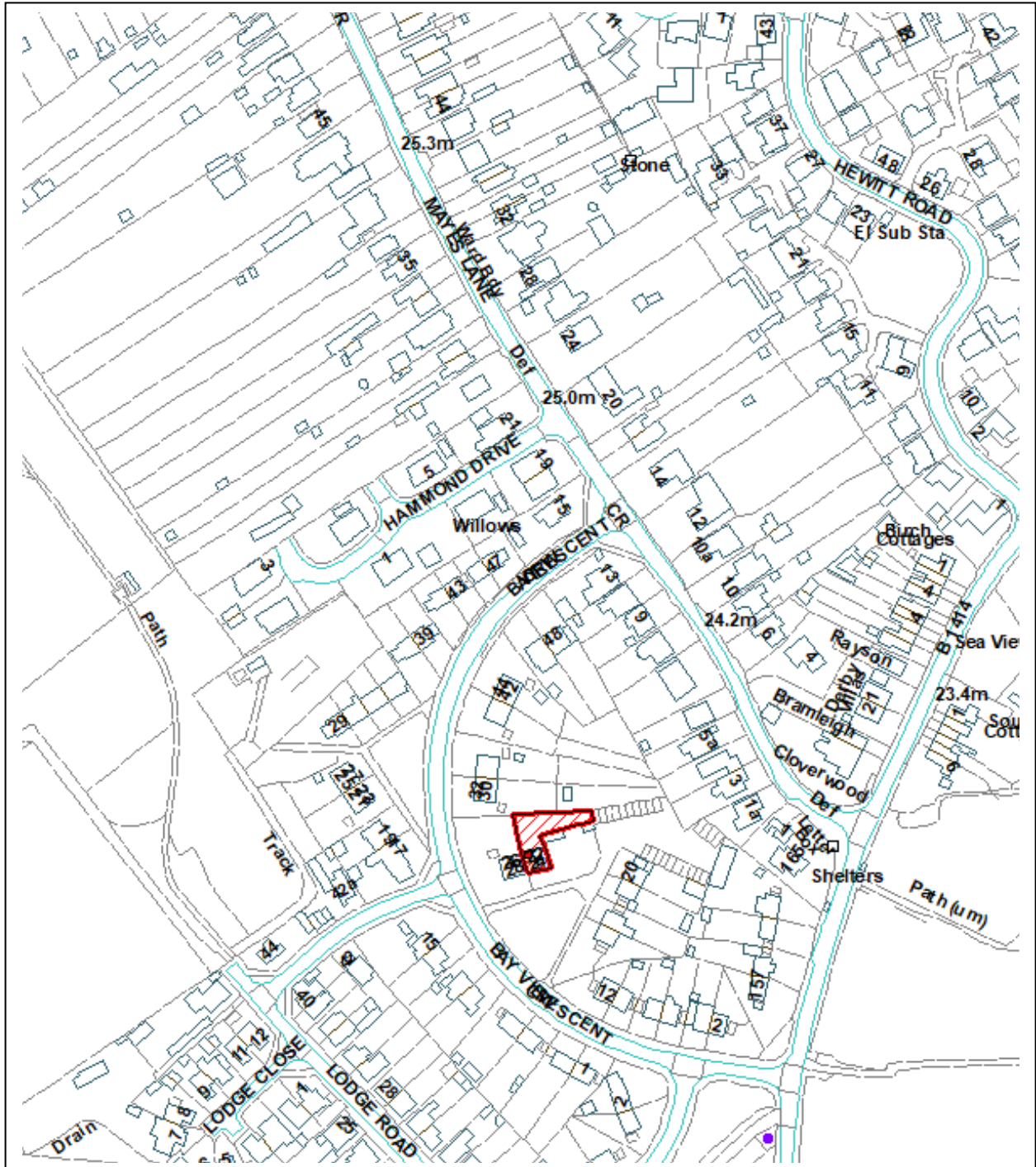


PLANNING COMMITTEE

3rd August 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 21/01028/FUL – 24 BAY VIEW CRESCENT LITTLE OAKLEY HARWICH CO12 5EG



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Application: 21/01028/FUL

Town / Parish: Little Oakley Parish Council

Applicant: Mr Connor Smith

Address: 24 Bay View Crescent Little Oakley Harwich Essex CO12 5EG

Development: Erection of single storey rear extension to ground floor flat.

1. **Executive Summary**

- 1.1 The application is before Members as an Ownership Certificate has been served on Tendring District Council as they own the freehold of the flats.
- 1.2 The proposed extension will be located to the rear of the property and will be largely shielded from the streetscene by the existing dwelling. The extension is of a single storey nature and is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The use of matching materials will blend the development with the host dwelling and is not thought to have any significant adverse effect on visual amenity.
- 1.3 The proposed rear extension does not result in any significant loss of light or undue loss of privacy to the adjacent (and above) neighbouring properties and is considered to be acceptable in terms of residential amenities.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

This planning application was first submitted when the NPPF - National Planning Policy Framework February 2019 was in place. During the LPA assessment phase of the development proposals, a revised version of the National Planning Policy Framework (NPPF 2021) was published by the Ministry of Housing, Communities and Local Government (MHCLG) with revisions to both the NPPF and National Model Design Guide (NMDG), following consultation in January 2021. Among the key changes to the NPPF are updated policies aiming to improve the design of new developments, in response to the findings of the government's Building Better, Building Beautiful Commission. Due regard is given to both the NPPF 2019 as well as the NPPF 2021 (collectively referred to as the 'NPPF' in the remainder of this report) and as part of the assessment of this planning application.

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 (part superseded)

HG9 Private Amenity Spaces

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

Relevant Section 1 Policies (adopted)

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design

Local Planning Guidance

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 adopted 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.

The confirmation from the Inspectors that the Section 2 Local Plan can progress to the next stage of the process is a positive step in the plan-making process that allows the Council to increase further the weight that can be given to the emerging Local Plan when determining planning applications – particularly those policies where either no changes are being recommended or

where the changes are relatively subtle. However, where policies are the subject of main modifications that represent a material change in approach, it will be necessary for decision makers, whether Officers or Planning Committee members, to carefully consider how much weight can sensibly be applied to both those policies and the modifications given that the modifications are recommendations and are still subject to consultation and potential further changes ahead of the Council's final decision to adopt.

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.

3. Relevant Planning History

21/01028/FUL	Erection of single storey rear extension to ground floor flat.	Current
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4. Consultations

Not applicable to this application.

5. Representations

5.1 Little Oakley Parish Council have a "neutral" view on the application.

5.2 It has been noted that the Council own the free hold of the premises with the occupants owning the leasehold via a mortgage agreement.

Assessment

5.3 Site Context

The application site comprises of a ground floor flat located within a two storey semi-detached building in Bayview Crescent. The building is finished in red brick with a tile hung roof. The buildings themselves are set back from the road with an area of open space to the front obscuring views of the dwellings from the highway.

5.4 There is an area of private amenity to the rear which has been split into two sections for the ground floor and first floor flat. The occupants also have shared access of an existing outbuilding.

5.5 Sited to the west is a two storey building which joins the host dwelling. This neighbouring site also comprises of a ground floor and first floor flat with walling and fencing positioned along the shared boundaries.

5.6 Sited to the east of the site there is an existing garage block with associated parking. This boundary comprises of fencing.

5.7 The site is located within the development boundary.

5.8 Proposal

This application seeks permission for the erection of single storey rear extension to the ground floor flat 4m in depth, 7.3m in width and 2.6m in height. The proposed extension will be constructed from brickwork which will be similar in appearance to the host dwelling and will have a felt roof. Situated within the roof will be two rooflights which will protrude slightly beyond the roof plane.

5.9 The plans have since been amended at the applicants request to show bi-fold doors to the rear elevation and two roof lights.

5.10 Principle of Development

The principal of the development is considered acceptable as the proposal simply seeks to extend and improve the host dwelling. The main considerations are the design and impact of the proposal to neighbouring dwellings.

5.11 Appearance, Design and Impact to Visual Amenity

The proposed extension will be predominantly to the rear, however in the absence of neighbouring dwellings to the east will be publicly visible from the neighbouring garage block. Although there will be some views of the proposal these are likely to be limited due to its distance from the sites boundaries and partial screening by way of the host dwelling and existing boundary fencing.

5.12 It is also noted that there is a vast amount of existing planting sited along the footway of "Baytree Crescent" which will screen views from this angle.

5.13 The proposal is of an appropriate design and scale in relation to the building and will be finished in materials which are similar in appearance to the existing.

5.14 The site is of a sufficient size to accommodate the proposal and still retain sufficient private amenity space in line with the requirements of saved policy HG9.

5.15 The proposed extension is therefore a suitable addition to the existing flat block which would not detract from the overall appearance and character of the building or area more generally.

5.16 Impact on Residential Amenity

Sited to the east is a garage block and no residential neighbouring dwellings.

5.17 The existing site is a ground floor flat with a neighbouring flat at first floor and sited to the east the adjoining two storey property also comprises of flats at ground floor and first floor.

5.18 The proposal will be visible from the first floor flats windows, however due to the single storey design and nature the proposal would not result in a loss of residential amenities to the neighbouring flats at first floor level. It is also noted that as the garden areas are sectioned off for each flat meaning that it would not result in an impact to any of these neighbours gardens.

5.19 The proposal will be visible to the neighbouring ground floor flat as this neighbouring dwelling has a number of openings sited along its rear elevation. Sited along this shared boundary is a section of boundary walling which then extends to boundary fencing. The nearest openings comprise of a small window and door which currently have clear views onto the existing boundary wall and fencing. The proposed extension will be largely screened by the existing wall and fencing with only very minor elements being visible to this neighbour preventing it from resulting in a significant loss of light and outlook to this neighbouring dwelling.

5.20 The proposal is absent from any side facing windows and will therefore not result in a loss of privacy to this neighbour.

6. Conclusion

6.1 It is therefore considered that the proposal complies with the national and local policies listed above and in the absence from material harm resulting from the development is recommended for approval.

7. Recommendation

7.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

7.2 Conditions and Reasons

- 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: 2101.3/B. .

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

7.3 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.

8. Additional Considerations

Public Sector Equality Duty (PSED)

8.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

8.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

8.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

8.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

8.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

8.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

8.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 8.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 8.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 8.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 8.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9. Background Papers

- 9.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.