

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	01/09/2021
Planning Development Manager authorisation:	SCE	08.09.2021
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**Application:** 21/01083/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Mike Markwell

**Address:** 36 Wellesley Road Clacton On Sea Essex

**Development:** Proposed lean-to conservatory to side of property.

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

Clacton non parished

### **2. Consultation Responses**

Not applicable

### **3. Planning History**

11/00953/FUL      Single storey side extension to      Approved      15.09.2011  
form an annexe.

20/00905/LUEX      Application for certificate of existing           27.08.2020  
lawful use as one dwelling house      Approved  
after being converted from two  
flats.

21/01083/FUL      Proposed lean-to conservatory to      Current  
side of property.

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

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)  
QL11 Environmental Impacts and Compatibility of Uses (part superseded)  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development

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

Local Planning Guidance

## **Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16<sup>th</sup> July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31<sup>st</sup> August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of a two storey detached dwelling which is set back from the front of the site allowing space for parking at the front. The dwelling itself is constructed from brick with a garage to the front. Located to the rear of the house is an existing garden area with fencing positioned along the shared boundaries.

### History

The house itself has received previous planning permission for a single storey side extension approved under 11/00953/FUL which has not been erected.

An Application for a certificate of existing lawful use as one dwelling house after being converted from two flats has also been considered and approved by this Local Planning Authority under reference 20/00905/LUEX.

### Proposal

This application seeks permission for the erection of a lean-to conservatory to side of property. The proposal was originally submitted as a pre application enquiry where the principle was supported however it was suggested that the design should be amended to be more in keeping with the host dwelling.

### Assessment

#### Design and Appearance

The local area comprises of a variety of differently designed properties varying in size and material, many of these houses have previously erected extensions and/or garages to the side and rear.

Whilst the enlargements vary in size they mirror the materials used in their host dwelling and within the area. As a result of the town centre location many of the properties are constructed within close vicinity of their neighbours with many not having a lot of space between buildings.

The proposal will be sited to the side of the existing house and will be single storey in design allowing it to appear subserviently to the main house. The set back from the front boundary of the site and front wall of the main house will prevent the proposal from appearing as a prominent feature within the streetscene. The new addition will be constructed along the boundary however as a result of its single storey nature and roof design will not appear cramped in appearance when viewing the house. It is also noted that the character of the area comprises of houses already hard up on their boundaries with side additions pertaining to the existing town centre location.

The design of the proposal has not been changed since the assessment of the previous pre application enquiry and will still involve the use of a conservatory type addition to the side. This will be a publicly visual change in terms of appearance when compared to other additions within the locale many of which have similarities to their host dwelling in terms of design and materials. The neighbouring dwelling to the south of the site has an existing garage on its boundary which is on the shared boundary with its front wall being in line with the siting of the proposal. This relationship between houses will allow for the proposal to be largely screened from the streetscene ensuring that only the front elevation is publicly visible.

Whilst National and Local Policies do expect the LPAs to ensure design is to a high quality in this instance it is only the front elevation of the proposal which will be a publicly noticeable change to the appearance of the existing house with its side elevation largely screened by the neighbouring garage. The overall size of the proposal has been assessed above and is considered appropriate to the house and streetscene and the house itself is not listed or located within a conservation area and therefore has not been granted special protection. In this case it has been decided that impact of the proposals design would be reduced as a result of its size and siting and would therefore not be so significant to warrant the refusal of this application.

The materials proposed will comprise of UPVC again this will have a low impact in terms of visual amenity due to its siting and size. It is also noted that this area comprises of a variety of materials with no real precedent being set.

The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

#### Highway Safety

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained at the site measuring 5.5m by 2.9m per space.

The proposal has the potential to encroach upon the existing area of parking at the site however this area is of a suitable size to accommodate the proposal and still retain two off street parking spaces in line with the above standards. The proposal will therefore not contravene highway safety.

#### Impact on Neighbours

The proposal will not be visible to the neighbour to the north as it will be screened by the host dwelling.

The proposal will not protrude past the rear wall of the neighbouring dwelling to the south and will be largely screened by the existing fencing and outbuildings on the shared boundary. This neighbour does have a window along its side elevation which currently faces on to the application dwelling and boundary fencing receiving limited light and outlook. Whilst the proposal would potential limit this further as it already receives reduced light and outlook it would be unreasonable to refuse planning permission on this basis.

The glazing of the conservatory could result in some loss of privacy to this neighbour however it will be largely screened by the existing fencing and be single storey in design. It is also noted that

the neighbouring dwellings private amenity space is already overlooked by the host dwelling and surrounding sites. The loss of privacy would therefore not be so significant to refuse planning permission upon.

#### Other Considerations

Clacton is non parished and therefore comments of this nature are not expected. There have been no letters of representation received.

#### Conclusion

In conclusion whilst the design of the proposal is out of keeping with the existing dwelling this has been outweighed in the above report due to its siting and single storey nature and has been considered not to be detrimental to the overall character of the area. Due to the limited impact it will have on the streetscene as well as its reduced impact to neighbouring properties the application is therefore 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:

Proposed Floor Plans (Scanned 7th July 2021)  
Proposed Elevations (Scanned 7th July 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.