

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	09/09/2021
Planning Development Manager authorisation:	JJ	10/09/2021
Admin checks / despatch completed	DB	10.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	10/09/2021

**Application:** 21/01138/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** M Smith

**Address:** 228 Point Clear Road St Osyth Clacton On Sea

**Development:** Proposed loft conversion with dormers to form additional living space.

### 1. Town / Parish Council

St Osyth Parish Council      No objections.  
26.08.2021

### 2. Consultation Responses

Not applicable

### 3. Planning History

12/00524/FUL	Single storey hip roof rear extension.	Approved	09.07.2012
21/01138/FUL	Proposed loft conversion with dormers to form additional living space.	Current	

### 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Adopted Tendring District Local Plan 2007 (part superseded)  
QL11 Environmental Impacts and Compatibility of Uses (part superseded)

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)  
SP1 Presumption in Favour of Sustainable Development

Local Planning Guidance  
Essex Design Guide

### 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 detached bungalow type dwelling which is significantly set back from its front boundary. The front of the site is laid to lawn along with a driveway and small area for parking. There is also some planting including a tree to the front. Sited to the rear is an existing garden with fencing along the shared boundaries.

### Proposal

This application seeks permission for a loft conversion with dormers to form additional living space.

The loft conversion comprises of

- One dormer window to the rear to be finished in white cladding.
- Two dormer windows to the front to be finished in white render.

There is a small section of render already on the existing house which will change colour to white to be inline with the above however as this will be of a similar appearance to the existing house it does not require planning permission and has not be assessed as part of the below.

### Assessment

#### **Front Dormer Windows**

##### *Visual Amenity*

The area itself comprises of a mixture of a variation of houses differing in design and size, many of these nearby dwellings already benefit from existing dormer windows positioned within their front facing roof slopes varying in size, design and number. The host dwelling and its neighbour to the west are the only two houses within the immediate vicinity which share the same appearance and are significantly set back on their plots. The site itself does not comprise of a listed building and the site is not located within a conservation area and therefore does not benefit from special protection.

Due to the precedent being set by other properties in regards to the presence of existing dormer windows the introduction of such in this case would not appear uncharacteristic to the area. The initial plans provided showed one large dormer window to the front which would have taken up the majority of the width of the existing house. It was considered that this would appear too prominently within the streetscene and would over dominate the character and appearance of the existing house as well as remove the symmetry between the application house and its neighbour.

Amended plans have since been received showing the reduction of the dormer windows to two smaller ones to approximately 2.5m in width comprising of a flat roof. The design of these dormer windows includes a flat roof with an expanse of render under the openings. Whilst the introduction of such dormer windows would be a noticeable change to the overall appearance of the existing house the dwelling itself is set approximately 20m back from its front boundary which would significantly reduce their prominence. This together with the fact there is also a precedent for forward facing dormer windows within the area would mean that the proposed front dormers would not be so detrimental to the overall appearance and character of the dwelling and locale to warrant the grounds of refusing this application.

The proposed dormer windows will be finished in white render which will be consistent with the render panel on the existing house. Furthermore the existing streetscene is diverse in regards to materials and their colours and the use of such in this case would not be out of keeping with the character of the area.

#### *Impact on Neighbours*

The proposed two dormer windows sited to the front will look out onto the existing front garden and as a result of their siting and nature would not result in a loss of residential amenities to the neighbouring sites.

#### **Rear Dormer Window**

##### *Visual Amenity*

The proposed rear dormer window will be sited in the rearward slope and extend just short of the width of the main house. Due to the close relationship of the houses within the streetscene much of this element of the proposal will be screened from view however some minor views will be achieved from Point Clear Road. As a result of its significant set back from the front of the site these views are likely to be minor and will not be detrimental to the overall appearance and character of the dwelling or streetscene. The size of the dormer window is relatively large however due to its rearward setting will not over dominate the existing house and will not protrude from the side of the house. The intention is to use white cladding in this element of the proposal, whilst this will not be consistent with the render approach taken on the remainder of the property the colour will match allowing it to appear similarly when viewing the house preventing it from having a harmful impact.

##### *Impact on Neighbours*

The proposed rear dormer window will be set within the roofslope and as a result of its nature and siting would not result in a loss of outlook or light to the neighbouring sites.

The plans provided show that there will be three new openings two of which will serve an ensuite and one Juliet balcony which will serve the bedroom. These will achieve views into the rear gardens of the neighbours thereby resulting in a loss of privacy to the neighbours.

Sited to the west is a bungalow which is similar in design compared to the host dwelling positioned slightly more forward on its plot compared to the host dwelling. The nearest openings of the proposal to this site will be the two ensuite windows which are likely to be obscure glazed due to the nature of the room which they serve. The Juliet balcony will attract some views of this neighbours rear garden however due to the more rearward siting of the host dwelling these views will not be of the neighbours immediate private amenity space and are likely to be more focussed to the rear boundary. It is therefore considered the loss of privacy in this instance would not be so significant to refuse planning permission upon.

Sited to the east is an existing house which is greater in depth compared to the host dwelling. Due to this neighbours depth any views of this neighbouring site are likely to be of the roof of the house

and not directly into the house or their immediate private amenity area which may be used for sitting out. Instead views will be focussed more to their rear garden reducing the level of privacy lost and the feeling of overlooking to this neighbour. The loss of privacy for this neighbour is therefore considered not so significant to refuse planning permission upon.

#### Other Considerations

St Osyth Parish Council have raised no objections to the proposal. There have been no other letters of representation received.

#### Conclusion

In conclusion whilst the proposal will result in an impact upon visual and residential amenities this impact has been assessed above and in this instance it is considered that any harm resulting from the proposal would be so significant to warrant the refusal of this application. 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: P01 RevC.

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.