

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | DB       | 12.10.2021 |
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**Application:** 21/01479/FULHH **Town / Parish:** Clacton Non Parished

**Applicant:** Ms Eley and Mr Murray

**Address:** 35 Upper Branston Road Clacton On Sea Essex

**Development:** Proposed single storey rear and side extensions (following demolition of existing extension).

### 1. Town / Parish Council

N/A

### 2. Consultation Responses

N/A

### 3. Planning History

21/01479/FULHH Proposed single storey rear and side extensions (following demolition of existing extension). Current

### 4. Relevant Policies / Government Guidance

*NPPF National Planning Policy Framework February 2021*

*National Planning Practice Guidance*

*Adopted Tendring District Local Plan 2007 (part superseded)*

QL11 Environmental Impacts and Compatibility of Uses

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

SP7 Place Shaping Principles

SPL3 Sustainable Design

## **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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> August 2021 and adoption is expected later this year. Section 2 will then 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)**

### **Proposal**

Proposed single storey rear and side extensions (following demolition of existing extension).

### **Application Site**

The site is located to the east of Upper Branston Road within the development boundary of Clacton on Sea. The site serves a semi-detached dwelling constructed of rendered brickwork with a pitched slate tiled roof. The surrounding streetscene is comprised from dwellings of similar scale and design materials present include mostly brickwork. Off street parking is provided at the front of the dwelling for two vehicles.

### **Assessment**

#### **Design and Appearance**

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 Policy QL11 (Part superseded) aims 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 SP1 reflects these considerations.

The proposed rear extension will measure 9 metres wide, by 2.5 metres deep with an overall height of 2.8 metres. The side extension would measure 3.3 metres wide by 7.8 metres deep, with an overall height of 2.8 metres. The extension would incorporate an attached garage to the front right, which connects through to the proposed rear extension. Whilst it is noted that the proposal would significantly increase the ground floor space of the dwelling, similar developments are present within the surrounding locale. The site can accommodate a proposal of this size and scale

whilst retaining ample private amenity space. The design is also consistent and sympathetic to the existing host dwelling materials.

The proposed extension will be located to the side and rear of the property so would be partially visible from the streetscene, however the single storey nature of the proposal and sympathetic design are not deemed to have a negative impact on visual amenity. The proposal will be finished in painted render, with a flat roof and front pitched section, with white UPVC windows and doors.

### **Impact to Neighbouring Amenities**

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst criteria 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring dwellings to the proposal are 33 and 37 Upper Branston Road.

### **Impact on 33 Upper Branston Road**

This dwelling is located to the south of the site and has a rear extension of similar depth to that proposed at number 35. The extension would be single storey and feature no side facing windows, which could compromise privacy. As a result, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

### **Impact on 37 Upper Branston Road**

This dwelling is located to the north of the site and would be nearest to the proposed side extension, which would replace an existing outbuilding along the boundary. The extension would be located approximately 0.9 metres from the boundary, and the single storey nature of the proposal combined with the existing fence line mean that it would be mostly obscured from view. The proposal also would feature no side facing windows and sufficient separation would remain to not impact on the provision of daylight to this dwelling. As a result, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

### **Highway issues**

The proposal would create an enclosed parking space consistent with the adopted standards and parking provision would remain in keeping with a dwelling of this scale.

### **Other Considerations**

No other letters of representation have been received.

### **Conclusion**

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

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 plans; Drawing No.

- 01 (Received 18<sup>th</sup> August 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.