

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	30.09.21
Planning Development Manager authorisation:	JJ	30/09/2021
Admin checks / despatch completed	DB	30.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30.09.2021

Application: 21/01396/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Ryan Weeks

Address: 26 Carlton Road Clacton On Sea Essex

Development: Proposed two storey rear extension.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

21/00842/FUL	Erection of two storey rear extension	Refused	05.07.2021
21/01396/FUL	Proposed two storey rear extension.	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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG9 Private Amenity Space

HG14 Side Isolation

TR7 Vehicle Parking at New Development

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 Design Guide

Essex County Council Car Parking Standards - Design and Good Practice
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 26th 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 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st 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

The application seeks permission for a two-storey rear extension. A previous application for the site (21/00842/FUL) was refused for being overbearing and featuring poor design. This subsequent submission, has seek to address these issues by reducing the proposed ridge height and creating a more congruous design.

Application Site

The site is located to the east of Carlton Road, which is located within the development boundary of Clacton on Sea. The site serves a detached painted render dwelling with a pitched tiled roof. The site features a driveway, which can accommodate 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. Adopted Policy SP1 reflects these considerations.

The proposed two storey rear extension will have a ridge height and pitch that would be consistent with the existing roofline. It would measure 5 metres deep, 7.9 metres wide and have an overall height of 7.3 metres at the pitch. Whilst it is noted that the proposal is significant in scale, on balance it is deemed that it remains sympathetic to the existing dwelling and the site generally and is therefore acceptable and in broad compliance with the above mentioned policies and relevant principles of the NPPF. The site can accommodate a proposal of this size, whilst retaining ample private amenity space. The extension will be finished in brickwork, with a tiled roof, which whilst being contrary to the existing materials is deemed acceptable as would be located to the rear of the dwelling. The extension will be mostly obscured from the street scene by the exiting dwelling.

The design and scale of the proposal is therefore acceptable and is deemed to not result in material harm to visual amenity.

Impact upon Neighbouring Amenity

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 would be 28 and 24 Carlton Road.

Impact on 28 Carlton Road

As the proposal would be located approximately 5.5 metres away from this dwelling, it is deemed that sufficient distance would remain to ensure the proposal would not have a detrimental impact on daylight provision to this dwelling. The first floor side facing window would be obscure glazed, to ensure privacy would also be maintained to this dwelling. The two rear facing first floor windows would also serve bedrooms, which are not deemed primary habitable spaces. 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 24 Carlton Road

The proposal would be located approximately 3.6 metres away from this dwelling and would feature a rear building line consistent with the neighbouring rear extension. As the rear gardens are East facing, the impact of the proposal on daylight provision to this neighbouring dwelling is deemed to be negligible. The two rear facing first floor windows would also serve bedrooms, which are not deemed primary habitable spaces. 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 parking provision at the site is consistent with the adopted standards for a dwelling of this scale.

Other Considerations

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, 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.

- 02 (Received 6th Aug 2021)
- 100 (Received 6th Aug 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.