

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	05.10.2021
Planning Development Manager authorisation:	JJ	06/10/2021
Admin checks / despatch completed	ER	06/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.10.2021

Application: 21/01424/FULHH **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs Bond

Address: 65 Lower Park Road Brightlingsea Colchester

Development: Proposed alterations to roof to form a loft conversion.

1. Town / Parish Council

No comments received.

2. Consultation Responses

N/A

3. Planning History

21/01424/FULHH Proposed alterations to roof to form Current
a loft conversion.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

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 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

Proposed alterations to roof to form a loft conversion.

Application Site

The site is located to the north east of Lower Park Road within the development boundary of Brightlingsea. The site serves a detached dwelling constructed of exposed brickwork with a pitched tiled roof. The surrounding streetscene is comprised from dwellings of differing scale and design, materials present include mostly brickwork. Off street parking is provided at the front of the dwelling.

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 proposal will incorporate six new Velux windows in the roof space, to utilise the first floor of the dwelling. The space will create a bedroom, wardrobe and bathroom in the roof space. The rear elevation would feature a first floor Juliet balcony leading from the bedroom, which is consistent with neighbouring properties within the locale.

The site can accommodate a proposal of this scale and design as only very modest external alterations are proposed that will not add any bulk to the dwelling as it exists at the moment. The design is also consistent and sympathetic to the existing host dwelling in terms of materials.

Flood Impacts

As the site is located within National Flood Zones 2 and 3, flood risk needs to be assessed in relation to this proposed development. However, as the proposal would incorporate changes at first floor level and will simply create habitable space in the roof of an existing dwelling, a flood risk assessment is therefore not necessary. It is deemed that this proposal complies with both saved policy QL3 and PPL 1 of the draft local plan 2013-2033 and beyond.

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 proposal will feature roof lights on both side elevations; however, their location of those in the south elevation will be close enough to the ridge that they would not cause an impact on neighbour's privacy. The two rooflights in the north elevation, although lower, will provide natural daylight into storage space areas and will therefore not impact on neighbours in terms of overlooking. Even if internal changes follow (for which planning permission will not be required) it is considered that these two rooflights will not afford overlooking that will be harmful to the living conditions of occupiers to the north as they will face the side elevation and side garden space of that property. The rear Juliet balcony is not deemed to impact on neighbour privacy, as it is located off a bedroom, which is not considered a primary habitable room.

Impact on Properties in York Road

In terms of impact on properties in York Road the Juliet balcony will result in an increase in overlooking, but the increase is considered acceptable as the neighbouring buildings have first floor windows that overlook these properties. It is also noted that the back to back distance is 29 metres, which is greater than the 25 metre back to back distance as recommended by the Essex Design Guide.

Highways Considerations

The two parking spaces to the front of the dwelling meets the required standards for a property of this scale.

Other Considerations

No other letters of representation have been received.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

6. Recommendation

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.

- P01B (Received 24th 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.