

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	06/10/2021
Planning Development Manager authorisation:	JJ	07/10/2021
Admin checks / despatch completed	CC	11.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AN	11/10/21

Application: 21/01252/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Kevin Lockert

Address: 15 Kings Road Clacton On Sea Essex

Development: Proposed removal of side extensions including pool room and detached garage and replace with two storey side extensions, single storey rear extension and attached garage, as well as loft conversion with rear dormer windows, balcony and new Juliet balconies along first floor rear.

1. Town / Parish Council

Not applicable – non parished area

2. Consultation Responses

n/a

3. Planning History

21/01252/FUL	Proposed removal of side extensions including pool room and detached garage and replace with two storey side extensions, single storey rear extension and attached garage, as well as loft conversion with rear dormer windows, balcony and new Juliet balconies along first floor rear.	Current
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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Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)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

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
TR7 Vehicle Parking at New Development

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

Proposal

The application seeks planning permission for two storey side extensions on the eastern and western elevations of the existing dwelling following the demolition of the existing single storey element on the eastern side and the pool room and detached garage on the western side. In addition, proposed is a single storey rear extension and garage attached to the proposed western side two storey extension and loft conversion with a rear dormer. Changes to the fenestration introduces Juliet balconies along the first floor rear elevation. The detached dwelling is located along Kings Road which lies within the settlement development boundary of Clacton on Sea.

Design and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

The host dwelling is located on the southern side of Kings Road and where this section of the road is occupied by larger detached dwellings, set back from the road, with front gardens and off road parking. Many of the houses have been extended either to the side or the rear.

The proposal extends the house with two storeys on either side, a single storey rear extension and loft conversion following the demolition of the existing single storey elements and existing detached garage. The scale of the proposal is considerable however the dwelling is located on a generous plot and each two storey element is set back from the existing front elevation by 0.75 metres, with lower ridge heights ensuring the extensions at each side do not detract from the existing dwelling. The two storey extensions make a positive connection with the existing dwelling by respecting the hipped angle of the roof line and with their lower ridge heights ensure these additions appear as subservient. The single storey rear extension with its bi-fold doors on two sides provides a direct link to the garden. The attached garage relates well to the house extensions by mirroring the hipped roof detail and visually reducing the scale of the extensions as the garage faces the existing vehicular access. The design and spacing of the fenestration on the front elevation is commensurate with that of the existing dwelling and maintains the character of the existing dwelling and the street scene. The existing arrangement of fenestration at the rear of the existing house is confusing and inconsistent especially the conservatory type structure at first floor level. The proposal will formalise the rear elevation and will create rooms in the house that will be flooded with light from the rear through two sets of double doors at ground floor along with the bi-fold doors of the single storey extension; a series of four sets of double doors with fixed side glazing at first floor level and three large glazed panes with opening doors from the loft room. The first floor and loft room doors create Juliet balconies with glazed balustrades that look over the sizable garden.

The existing dwelling and the extensions will be finished in render with dark grey framed windows and matching guttering and fascia. The existing clay tiles on the existing dwelling will be replaced with slate to match the extensions which will modernise and transform the appearance of the property.

Having regard to the location and size of the application site, the proposals are of a design and appearance appropriate to the existing dwelling and would not result in any significant harm to the character and appearance of the street scene.

Impact on Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the proposal is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary. In this case a distance of 1.544 metres to the western side boundary shared with 32 Coan Avenue has been maintained and it is noted that the single storey attached garage with hipped roof away from the neighbouring property is sited nearest to this boundary. A distance of 2.816 metres to the eastern side boundary shared with 11 Kings Road has been maintained.

Due to the distance of the proposal from the property of 32 Coan Avenue there will be no significant impact in terms of loss of light. Due to the closer proximity of the extension on the eastern side to the neighbouring property of 11 Kings Road the sunlight/daylight calculations specified in the Essex Design Guide have been applied. The 45 degree line in plan would intercept the small ground floor side facing windows of 11 Kings Road, although the 45 degree line down from the roof would intercept less than half of the side facing windows of 11 Kings Road in elevation. In addition, these windows are secondary windows serving the rooms and therefore the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The rear facing first floor and second floor openings will not have a significant impact in terms of loss of privacy or overlooking to the neighbouring properties in comparison to those they replace and given the size of the back garden, while attention can be drawn to the existing first floor rear balcony at 11 Kings Road. There are first floor windows on each side elevation however these serve bedrooms and are not the main windows to the bedrooms, dressing rooms and en suite

bathrooms that are less likely to be in use during the day and will not increase the risk of overlooking or loss of privacy of neighbouring properties given the current position where the existing dwelling already has first floor side facing windows.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a property with three or more bedrooms. Over 800 square metres of garden space remains following the construction of the proposals which is more than adequate.

The existing detached garage does not currently provide sufficient space for parking a car and the proposed attached garage does not comply with the parking standards where the minimum size of a double garage should measure 7 metres x 5.5 metres. The existing driveway however will be unaffected by the proposals and provides ample space for at least two cars to park off the road in spaces that do meet the standards whereby one space measures 5.5 metres x 2.9 metres.

Other Considerations

No 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

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: Drawing No. KR/IG/00 2 Rev A.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO