

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	20/10/2021
Planning Development Manager authorisation:	AN	21/10/21
Admin checks / despatch completed	ER	21/10/21
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.10.2021

Application: 21/00821/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr N Mistry

Address: 451 Main Road Harwich Essex

Development: Erection of part two storey, part single storey rear extension.

1. Town / Parish Council

No comments received

2. Consultation Responses

n/a

3. Planning History

21/00821/FUL Erection of part two storey, part Current
single storey rear extension.

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Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)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

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 permission for a two storey and single storey rear extensions to a detached house situated within the development boundary of Harwich.

Design and Appearance

The two storey and single storey extensions are proposed at the rear of the existing dwelling and although they extend the full width of the dwelling they are significantly set back from the highway and will only be glimpsed between the row of dwellings on this south side of Main Road. The use of horizontal cedar cladding on the extensions provides a modern finish which differentiates the old from the new. The roof of the two storey extension relates well to the main roof of the existing dwelling by matching the pitch and connecting it with the use of matching tiles to create a seamless finish. The single storey element will be finished with a slate roof to create a contrast with the cladding and the main roof of the house. Powder coated aluminium bi-fold doors will open onto the garden while roof windows will offer light into the newly created ground floor kitchen/diner. At first floor two bedroom windows will face the rear garden and will match the existing fenestration.

As a result of the proposal being sited to the rear there will be no significant impact on the street scene or to the character of the existing dwelling which remains untouched at the front. The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

Impact upon Residential Amenity

The two storey rear extension is sited a distance of 1.4 metres from the south western side boundary shared with 453 Main Road. The two storey rear extension maintains a distance of 2.23 metres to the north eastern side boundary shared with 449 Main Road as required by Saved Policy HG14 of the adopted Tendring District Local Plan 2007, which 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 extension is over 4 metres in height, as in this case.

The single storey rear extension is a maximum of 3.32 metres in height and set further back than the property of number 453. The proposed single storey rear extension is a distance of 3.37 metres from the neighbouring dwelling of 449 Main Road ensuring that the single storey extension will not have a significant impact on either of the neighbour's residential amenity.

Due to the height of the two storey rear extension and close proximity to the side boundaries and neighbouring dwellings the sunlight/daylight calculations specified in the Essex Design Guide have been applied. The 45 degree line in plan intercepts the ground floor side windows of 453 Main Road, although the 45 degree line down from the roof intercepts less than half of the side windows in elevation which are in any case secondary windows.

The 45 degree line down from the roof will intercept both side dining room windows and less than half of one rear facing dining window of 449 Main Road in elevation. The 45 degree line in plan only intercepts one of two of the side facing dining room windows and the two further dining room windows on the rear elevation are not intercepted in plan. It is considered that the loss of light that the proposal will cause will be so significant as to justify refusing planning permission on these grounds. The side facing lounge windows of 449 Main Road are located further forward and are already alongside the existing dwelling.

There are no new side facing windows at ground or first floor level.

The proposal is not considered to have any material adverse impact to loss of privacy, loss of light or outlook.

The proposal does not interfere with the space for off road car parking which remains in front of the house and ample private amenity space will remain at the rear.

Other Considerations

No 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

- 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. 2328-02A, 2328-03 and 2328-04.

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.

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