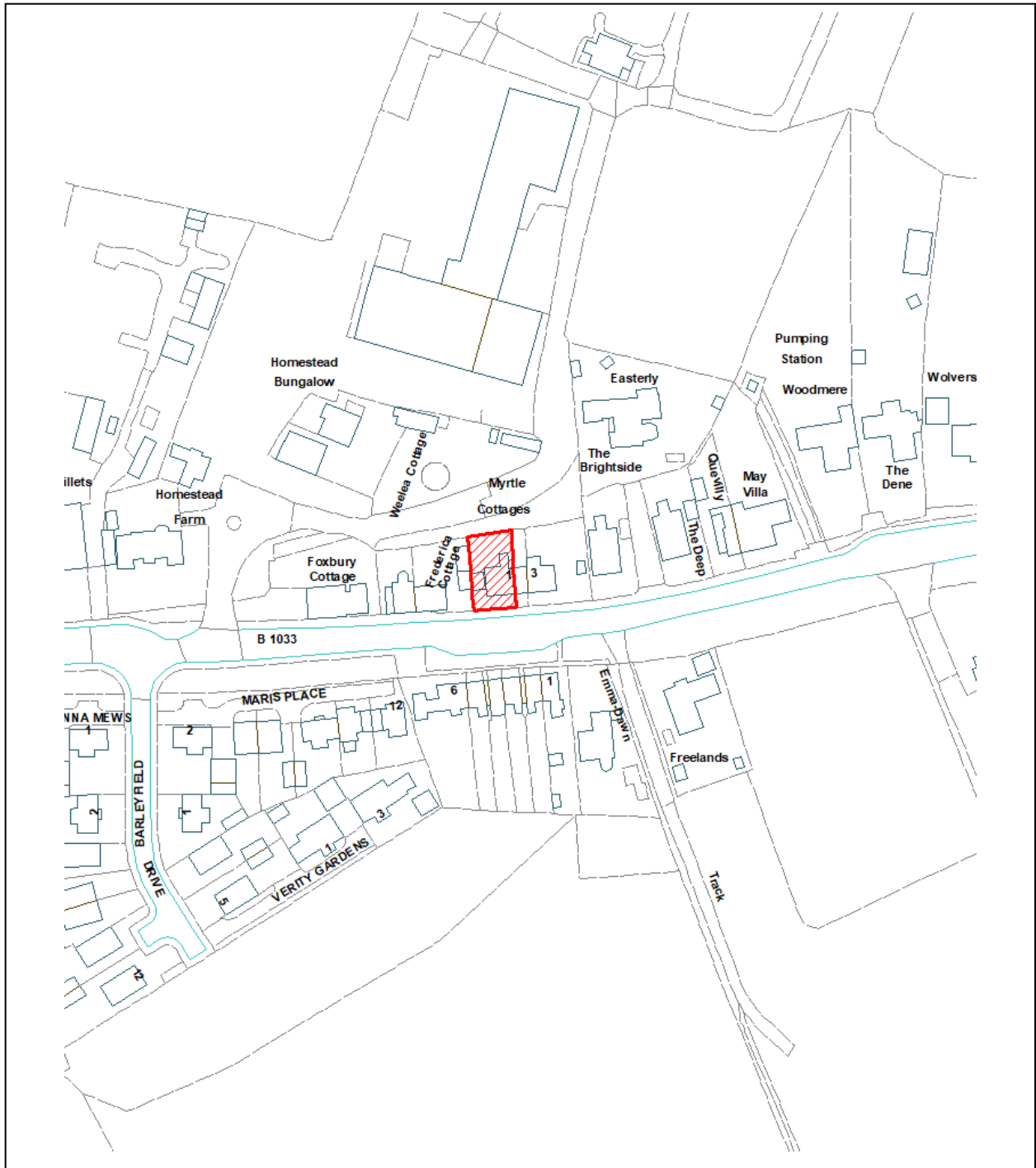


PLANNING COMMITTEE

21st December 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.5 PLANNING APPLICATION – 21/01992/FULHH – 1 MYRTLE COTTAGES THORPE ROAD WEELEY CLACTON ON SEA CO16 9JL



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Application: 21/01992/FULHH

Town / Parish: Weeley Parish Council

Applicant: Mr and Mrs Leggett

Address: 1 Myrtle Cottages Thorpe Road Weeley Clacton On Sea Essex CO16 9JL

Development: Proposed single storey rear extension with glazed roof lantern, following partial demolition of rear extension.

1. **Executive Summary**

- 1.1 The application is before Members as the applicant is a member of staff employed by Tendring District Council.
- 1.2 The proposed extension will be located to the rear of the property and will be shielded from the streetscene by the existing dwelling and garage. The extension is of a single storey nature and is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The proposal does include the use of differing materials, however due to its rearward location and the variety of materials within the locale, the use of such is considered acceptable in this instance.
- 1.3 The proposal will have some impact to neighbours in regards to residential amenities. However, when applying relevant calculations and assessment the impact would not result in such a significant loss of amenities that would warrant the refusal of this application.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) the conditions stated in section 8.2

2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG9 Private Amenity Space

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

Relevant Section 1 Policies (adopted)

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design

PPL3 The Rural Landscape

Local Planning Guidance

Essex Design Guide

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. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

3. Relevant Planning History

02/00563/FUL	New vehicle access, garage and conservatory	Approved	02.05.2002
03/01771/FUL	Change of use of garage under	Approved	25.10.2003

construction to store and office

21/01992/FULHH

Proposed single storey rear extension with glazed roof lantern, following partial demolition of rear extension.

Current

4. **Consultations**

Not applicable to this application.

5. **Representations**

None Received

6. **Assessment**

Site Context

- 6.1 The application site comprises of a two storey end terraced cottage known as '1 Myrtle Cottage'. The main house is constructed from brick with a small lightly coloured rendered porch at the front.
- 6.2 The house is set back from this front boundary, with a low level boundary fence and gate. Sited to the west is an existing garage which has been constructed from brick. To the rear is an existing extension which has been finished in boarding and is set off of the shared boundary.
- 6.3 Located to the rear the existing site is laid to lawn with small areas of patio and paving slabs dotted throughout. Situated along the shared boundaries is a mixture of close boarded fencing and planting.

Proposal

- 6.4 This application seeks planning permission for the erection of a single storey rear extension 4.7m in depth and 3m in height. The extension would have a roof lantern, which would protrude 0.4m above the roof.
- 6.5 The proposed extension would require the demolition of the existing structure and will be finished in smooth render in a light colour which will match that on the existing porch.

Design and Appearance

- 6.6 The proposed extension will be to the rear and screened by the existing house and garage preventing any public views from Clacton Road.
- 6.7 The single storey design means that it would appear as a subservient feature and appropriate addition in relation to the main house and will be finished in a light coloured render.
- 6.8 The use of render here will not be consistent with the predominant brick constructed dwelling. However, as the proposal will be screened from public view by the existing house and garage the use of this material would not be noticeable within the streetscene. Furthermore, the local streetscene contains a variety of materials which differ in type and colour and therefore there is no real uniformity to the local built form.
- 6.9 The site is of a large enough size to accommodate the proposal and still retain a minimum of 100m² in private amenity space in accordance with Saved Policy HG9 of the Adopted Tendring District Local Plan 2007 (part superseded).

6.10 The site is situated outside the housing settlement limits, however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Tendring District Local Plan 2007 (part superseded). It should be noted, however, that the site is located within the housing settlement limits of the emerging Tendring District Local Plan 2013-2033.

Impact on Residential Amenity

6.11 The proposed extension will not result in a loss of residential amenities to the property to the west as it will be sited sufficient distance away from the boundary shared with "Frederica Cottage" and will be predominantly screened by existing fencing and outbuildings which are in situ along the boundary and serve this adjacent dwelling.

6.12 The proposal will also be sited sufficiently away from the rearward boundary and screened by the existing planting in situ here preventing any disruption to the amenities of "Homestead Lake Country Park" and "Homestead Farm Bungalow."

6.13 Sited east of the site is 2 Myrtle Cottages which like the host dwelling is southward facing allowing for the majority of the sunlight to be received to their front gardens.

6.14 This neighbour currently has an opening at ground floor nearest to the siting of the proposal which currently has clear views onto the existing boundary fencing and planting along with the host dwellings existing extension which is currently 4.1m in depth. This application seeks the approval for an extension sited along the shared boundary at 4.7m in depth, which would be a 0.6m greater than the existing.

6.15 As this extension will be greater in width, compared to the existing, it is likely to have some impact to the level of light and outlook received by this neighbour's nearest window. The proposal will have a flat roof and will be 3m in height, which will reduce the level of light and outlook received by this neighbouring site. The screening by way of the boundary fencing and planting will further reduce the prominence of the extension. As a precautionary measure the Sunlight/ daylight calculations specified within the Essex Design Guide have been applied to the proposed plans. Upon using these calculations the 45 degree line in plan encompasses this neighbour's rear window where as in elevation it only strikes through the lower section of it. As the 45 degree line does not strike through the centre of this window in both the combined plans any loss of light resulting from the proposal would be minimal and not so significant to refuse planning permission upon.

6.16 It should also be noted that under the Householder Prior Notification Scheme, which was introduced in 2013 for extensions of up to 6m, this extension could be erected under new permitted development rules provided there was no objections from neighbouring properties. These extensions do not need a formal application but a written notification to Local Planning Authorities and in the absence of objections from neighbours are allowed to be constructed.

6.17 Whilst the proposal will be in close proximity to the neighbouring boundary of 2 Myrtle Cottage it will be largely screened by the boundary fencing only attracting limited views to this neighbour. It should also be noted that this neighbour's views are already disrupted due to the host dwellings existing extension and boundary fencing and as per the allowances of permitted development detailed above any loss of outlook resulting from the proposal in this instance would be considered not so significant to warrant the grounds of refusing this application.

6.18 The side elevation of the proposal facing 2 Myrtle Cottage is absent from any windows preventing a loss of privacy to this neighbour.

7. Conclusion

7.1 The application for a proposed rear extension has been assessed above and is considered to be acceptable in terms of visual and residential amenity and in accordance with relevant national and local plan policy. The application is, therefore, recommended for approval.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

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 01 Rev C

Reason - For the avoidance of doubt and in the interests of proper planning.

8.3 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.