

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	06.01.2022
Planning Development Manager authorisation:	SCE	07.01.2022
Admin checks / despatch completed	DB	07.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	07/01/2022

Application: 21/01880/FULHH **Town / Parish:** Brightlingsea Town Council

Applicant: Mrs Tina Willis

Address: 31 York Road Brightlingsea Colchester

Development: Proposed alteration to roof over bedroom 3.

1. Town / Parish Council

No comments.

2. Consultation Responses

N/A

3. Planning History

75/00315/FUL	Garage and porch	Refused	04.06.1975
19/00232/FUL	Proposed demolition of existing defective bathroom & part removal of existing utility area with conversion of remaining area into kitchen. Additional two storey rear extension with pitched roof.	Approved	04.04.2019
21/01880/FULHH	Proposed alteration to roof over bedroom 3.	Current	

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

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

SPL3 Sustainable Design

PPL 1 Development and Flood Risk

Local Planning Guidance

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. 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.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

Proposed alteration to roof over bedroom 3.

Application Site

The application site is located to the south west of York Road, located within the development boundary of Brightlingsea. The site serves a semi-detached dwelling constructed of brickwork and render with a pitched tiled roof. The site is also located within flood zones 2 and 3, however as the proposal is at first floor level this is not a concern.

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 proposed extension will measure 7.9 m², and be located above the ground floor kitchen, with a pitched roof subservient to the existing ridge height. This extension would create a third bedroom at first floor level. The rear elevation would feature a small sash window, which is consistent with the existing dwelling. It would feature a pitched tiled roof, which ensures the proposal remains sympathetic to the dwelling. The site can accommodate a proposal of this size and scale whilst retaining ample private amenity space. The design is also consistent and sympathetic to the existing host dwelling materials.

The proposed extension will be located to the rear of the property, so will not be visible from the streetscene of York Road.

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).

Whilst the proposal would include a first floor window, as it would serve a bedroom which is not considered a primary habitable space, the impact on neighbour privacy is deemed limited. Adequate separation distance from the boundary would also remain; it is therefore deemed that it would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highway issues

The site has adequate parking provision in line with the adopted standards for a dwelling of this scale.

Other Considerations

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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.

- 31YR / P / I 'B' (Received 12th November 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.