

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	06.01.2022
Planning Development Manager authorisation:	TF	06.01.2022
Admin checks / despatch completed	DB	06.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.01.2022

**Application:** 21/01872/FULHH                      **Town / Parish:** Brightlingsea Town Council  
**Applicant:** Tapsfield  
**Address:** 2 Florence Place Back Waterside Lane Brightlingsea  
**Development:** Proposed single storey rear infill extension.

### **1. Town / Parish Council**

Brightlingsea Town Council                      No comments

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

10/01250/FUL	Redevelopment of the site with the erection of a pair of semi-detached bungalows with associated parking facilities.	Approved	20.12.2010
13/00285/FUL	Erection of 2 no. detached two bedroom dwellings with associated parking facilities.	Refused	23.10.2013
13/00951/FUL	Redevelopment of the site with the erection of a pair of semi-detached bungalows with associated parking facilities.	Approved	22.10.2013
21/01872/FULHH	Proposed single storey rear infill extension.	Current	

### **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*Adopted Tendring District Local Plan 2007 (part superseded)*

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

EN17 Conservation Areas

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 26<sup>th</sup> 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 24<sup>th</sup> 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 11<sup>th</sup> January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25<sup>th</sup> 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

This application seeks permission for the erection of a single storey rear infill extension.

The proposed extension is of a minor nature measure 2.4 metres deep by 2 metres wide with an overall flat roof height of 3 metres. The extension will include the installation of a glazed roof lantern. The extension is located towards the rear of the property on the southern elevation. The proposed extension will be finished in a matching brickwork to that of the existing dwelling with a GRP flat roof and UPVC windows and doors.

## Application Site

The site is located towards the west of Back Waterside Lane and is situated outside of any defined settlement development boundaries. The site is also located within the Brightlingsea Conservation Area.

The site serves a semi-detached bungalow finished in brickwork with a pitched roof design. The bungalow is set back from the highway and is largely shielded from the streetscene by the existing fencing and shrubbery along the site boundaries.

## 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 and emerging Policy SP1 aim 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.

The proposed extension is considered to be of a minor nature and is of an acceptable size and scale in relation to the host dwelling with the application site retaining adequate private amenity space. The proposed extension will be finished in a matching brickwork with a flat roof design incorporating a roof lantern, it is considered to be of a design and appearance in keeping with the host dwelling with no significant negative effect on the visual amenities of the area. Furthermore, the extension is located to the rear and is largely shielded to the streetscene by the existing fencing and shrubbery along the site boundaries.

Policy HG12 of the Tendring District Local Plan 2007 seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, would not represent overdevelopment of the site. As the proposed extension is considered to be of an acceptable design, scale and appearance it is consistent with Policy HG12.

### 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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings.

The proposal will be constructed 1.15 metres from the southern site boundary which backs onto the rear of the adjacent neighbouring dwellings. The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991

which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would not intercept any dwelling in both plan and elevation and therefore any loss of light caused by the proposal cannot be said to be so significant as to justify refusing planning permission.

### Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

### Other Considerations

Brightlingsea Town Council have provided no comments on the application.

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 / 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. P01  
Drawing No. P02

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.

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