

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	21.09.2022
Planning Development Manager authorisation:	AN	22/09/22
Admin checks / despatch completed	CC	22/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

Application: 22/01256/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs Russell

Address: 22 Hazlemere Road Holland On Sea Clacton On Sea

Development: Proposed two storey rear extension, including replacement porch and associated works.

1. Town / Parish Council

Clacton Non-Parished No Comments Required

2. Consultation Responses

Not Applicable

3. Planning History

95/00704/FUL Retention of first floor extension Approved 29.06.1995

22/01256/FULHH Proposed two storey rear extension, including replacement porch and associated works. Current

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a two storey rear extension, including replacement porch and associated works.

Amended plans have been received since original submission of this application significantly reducing the depth of the first floor rear extension. It is these amended plans that have been used and assessed throughout this report.

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. Policies SP1, SP7 and SPL 3 of the Tendring District Local Plan 2013-2033 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 amendments to the porch are considered to be minor in nature and will have little impact on the visual amenities of the area. The porch is considered to be of an acceptable size, scale and design.

The proposed two storey rear extension will measure 4 metres deep at ground floor level and 2.7 metres deep at first floor level. Whilst the extension is largely shielded to the streetscene of Hazlemere Road by the host dwelling, it is visible in parts of Dulwich Road at the gaps between the dwellings. The host dwelling already has a two storey rear element, it is recognised that the proposed new extension in conjunction with the existing element will create a large rear structure in relation to the host dwelling. However, the depth of the proposed extension at first floor level has been significantly reduced since initial submission of this application. This reduction in depth, as well as the pitched roof design and matching brickwork to that of the host dwelling, helps the proposal to blend with the host dwelling and lessens any impact on the visual amenities of the area. The proposed rear extension is not considered to have such a significant harmful impact on the visual amenities of the area to justify refusing planning permission.

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 SPL 3 of the Tendring District Local Plan 2013-2033 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy

for future and existing residents. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed porch has no impact on residential / neighbouring amenities.

The ground floor element of the rear extension is single storey in nature and does not pose any significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings.

The first floor element of the rear extension includes the installation of a rear facing window at first floor level, this will provide the dwelling with views overlooking onto the neighbouring properties and therefore result in a loss of privacy. However, this window will be serving a bedroom, an area not deemed to be a primary living space which significantly reduces its impact on the loss of privacy. Furthermore, the host dwelling already has rear facing windows at first floor level and so the proposal will not be providing any new additional views. The loss of privacy caused by the proposal is therefore not so significant as to justify refusing planning permission.

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 does not intercept the neighbouring dwelling north of the site. Due to the siting of the neighbouring dwelling north of the site in its plot, in relation to the host dwelling and proposed extension, the proposal has no significant impact on the loss of light to this neighbouring dwelling. The proposed extension is not adjacent to any other neighbouring property and has no impact on the loss of light.

On original submission of the application the overall depth of the rear extension at first floor level was considered too harmful for its impact on the loss of outlook to the neighbouring dwelling north of the site. Due to the layout and siting of this neighbouring dwelling the original depth would have stretched across the majority of this neighbouring garden. In conjunction with its proximity to the boundary this was considered too excessive and would justify reasons for refusal. However, the amended plans submitted with the application show the extension at a significantly reduced depth which no longer takes over the majority of the neighbouring garden. It is also viewed against the existing deeper, flat roofed rear extension. The proposal is not considered to have such a significant harmful impact on the loss of outlook to this neighbouring dwelling that is so harmful 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. There is adequate space to the front of the dwelling to accommodate parking for a dwelling of this size.

Other Considerations

Clacton is non-parished and therefore no comments are required.

One letter of objection has been received from a member of the public. This letter has been summarised and responded to below. It is worth noting that the objection letter was received before the submission of the amended plans.

Concern / Objection Raised	Officer Response
Parking provisions have not been included on the plans submitted with the application.	There is adequate space to the front of the dwelling to accommodate parking for a dwelling of this size. The proposal is considered acceptable in terms of highway safety.
We note the applicant has not identified the	The proposed extension is considered to be of

<p>remaining amenity area as a result of the proposed extension. It appears that the amenity area does not achieve the minimum amenity space of 100sqm set out within TDF's LDF Technical paper 9, corroborated by The Essex Design Guide</p>	<p>an acceptable size and scale. The case officer has visited the site to confirm that the application site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space to meet the needs of the dwelling.</p>
<p>Due to the considerable development along my entire southern boundary, it is necessary for the council to request a daylight / sunlight assessment from the applicant to support their application. This is set out within the councils validation checklist. The assessment should relate to the BRE Daylight Guide, The Essex Design Guide and the relevant adopted and emerging plan policies which seek to protect from this level of harm in the District.</p>	<p>The proposals impact on the loss of light has been fully assessed above. Due to the siting of the neighbouring dwelling north of the site in relation to the proposed extension, there is no significant loss of light caused by the proposal.</p> <p>Guidelines set out within the Essex Design Guide have been applied and the 45 degree line does not intercept the neighbouring dwelling. this has been fully included in the assessment above.</p>
<p>The primary issue with the application is the scale and bulk of the proposed development along my Southern boundary. The proposed extension reaches almost to the end of my back garden and would provide an overly dominant and overbearing, two storey structure along my Southern boundary. The effect of this proposal is three-fold; i. Loss of day light and sunlight into my kitchen, bedroom and conservatory. All of which have side_facing windows which are protected from suffering further loss of light. ii. Loss of day light and sun light into my back garden which is protected from being unduly overshadowed. iii. Loss of general amenity by way of an overbearing and oppressive structure adjacent to my southern boundary. I understand that these items are strictly controlled by the council within the aforementioned policies, as well as the councils own 'rear extension guide', all documents the applicant seem not to have consulted when developing this design.</p>	<p>The Application has been amended since the submission of these objection comments with the depth of the proposal being significantly reduced. The design and appearance has been fully assessed above and considered acceptable. The impacts on neighbouring amenities including daylight/sunlight and outlook have been fully assessed above, the proposal is considered acceptable in terms of its impact on neighbouring / residential amenities.</p>
<p>The proposed rear extension fails to comply with the 45 degree rule described within the councils 'Rear extension guide', reinforced within the EDG. This dimension should be taken from the rear wall of my bungalow, and not my conservatory (described as habitable) in plan. We consider the proposal would also fail to comply with the 45 degree rule in elevation / section also, this should be verified by the council by way of an accurate section or revision to the rear elevation to include my property. We accept that our neighbours existing building already fails to comply with this policy, however we do consider the council should seek to prevent any exacerbation of this important matter.</p>	<p>The proposal has been assessed against the 45 degree rule, as fully detailed above. The proposal does not fail this rule (which must be undertaken in a combined plan and section) and is therefore considered acceptable.</p>
<p>The councils Rear extensions guide requires the height of an extension and its roof to be in keeping with the building and its surroundings. The submitted scheme fails to align with massing, location and character of my property.</p>	<p>The height of the extension roof is considered acceptable in this instance. The proposals impact on the visual amenities of the area have been fully assessed and is not considered harmful enough to justify refusing planning permission.</p>

<p>There are no precedents or justification for this roof design within the submitted application and we can find none in this locality. Furthermore this addition will be prominent from Dulwich Road to the North, where it can already be seen between and above the existing bungalows fronting this road.</p>	<p>The pitched roof design of the proposal has been submitted following advice from the Local Planning Authority. The pitched roof will be more in keeping with the host dwelling and will partly screen the existing flat roof rear element.</p> <p>The visual impacts of the proposal have been fully assessed above and deemed acceptable.</p>
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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 plan; Drawing No. 02 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 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.

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