

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	29.11.2022
Planning Development Manager authorisation:	ML	29.11.2022
Admin checks / despatch completed	ER	30/11/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	30/11/2022

**Application:** 22/01529/FULHH **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Buckle

**Address:** 44 Severn Road Clacton On Sea Essex

**Development:** Proposed first floor side extension over existing, rear single storey extension to replace conservatory, new porch, hip to gable enlargement and flat roof rear dormer.

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

Clacton Non-Parished      No comments required

### **2. Consultation Responses**

Not applicable

### **3. Planning History**

22/01529/FULHH	Proposed first floor side extension over existing, rear single storey extension to replace conservatory, new porch, hip to gable enlargement and flat roof rear dormer.	Current
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### **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)

### **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 a first floor side extension over existing, rear single storey extension to replace conservatory, new porch, hip to gable enlargement and rear facing flat roof dormer.

Amended plans have been received since the original submission of this application, the Local Planning Authority advised that the original first floor side extension was to be constructed too close to the neighbouring boundary and would cause the dwelling to appear cramped within its plot. The amended plans therefore retain a gap of approximately 1 metre from this neighbouring boundary and have included the installation of a rear facing flat roof dormer to make up for the lost space.

The plans submitted with the application state that the rear dormer will be constructed under permitted development rights. However, the dormer has been assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Class B and fails to comply with this aforementioned order as the resulting roofspace of the entire proposal (Dormer, hip to gable enlargement and side extension) will result in the existing roofspace being exceeding by more than 40 cubic meters. It therefore fails the following criteria and will be fully assessed within this report;

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roofspace by more than –
  - (i) 40 cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;

It is these amended plans which have been used and assessed within 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 proposed rear extension is of a single storey nature, it will be replacing the existing conservatory at the site and therefore is considered to have a minor impact in terms of its size and

scale. The application site can accommodate for this whilst retaining adequate private amenity space. The rear extension will be finished in render with flat roof design incorporating two roof lanterns. As it is located to the rear of the dwelling it is not visible to the streetscene. The proposed rear extension is considered to be of an acceptable design and appearance with no harmful effects on visual amenities.

The proposed first floor side extension will be visible to the streetscene. This extension will be set back approximately 1 metres from the shared neighbouring boundary line east of the site, this gap means that the dwelling will not appear overly cramped within its plot and lessens any harmful impact on visual amenities. The first floor side extension is considered to be of an acceptable size and scale in relation to the host dwelling and its locality. This element will be finished in painted render with a pitched tiled roof to blend with the appearance of the host dwelling. The proposed first floor side extension is therefore considered to be of an acceptable design and appearance.

The proposed porch is located to the front of the dwelling and therefore visible to the streetscene. It is considered to be of a minor nature and is therefore of an acceptable size and scale. The porch will be finished in render with a pitched tiled roof design to blend with the appearance of the host dwelling. The porch therefore has no significant harmful impacts on the visual amenities of the area.

The proposed rear facing flat roof dormer is considered to be large in nature, however as it is located to the rear of the dwelling it will not be visible to the streetscene. Furthermore, rear facing flat roof dormers can be seen in the locality and therefore the proposal cannot be said to be out of character with the area. The dormer will be finished in weatherboarding which will introduce a new material to the site, however this material is now widely used within construction and can be seen throughout the locality, its use is therefore considered acceptable in this instance. Therefore whilst the proposed dormer is considered to be large in scale it cannot be said to be out of character with the locality and does not have any impact on visual amenities which is so harmful as 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 rear extension is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings. The rear extension does not extend further than the rear elevation of the neighbouring dwelling west of the site and therefore has no significant impact on the loss of light. There is no change in depth to the east elevation and therefore the proposal has no impact on the loss of light to this neighbouring dwelling.

The proposed side extension is located to the east of the dwelling and does not extend further than the rear elevation of this neighbouring dwelling and therefore has no significant impact on the loss of light. This element will include the installation of a rear facing window at first floor level which will overlook the rears of the neighbouring dwellings and therefore cause a loss of privacy, however this windows will serve a bathroom, an area not deemed to be a primary living space, therefore reducing their impact on the loss of privacy. Furthermore the dwelling already has rear facing windows at first floor level and therefore the proposal will not be providing any additional views to the dwelling, further lessening its impact on the loss of privacy. The proposed front facing window at first floor level overlooks the streetscene, a public area, and therefore has no impact on the loss of privacy.

The proposed dormer will provide views overlooking onto the rears of the adjacent neighbouring dwellings and therefore result in a loss of privacy. However, the dormer windows will be serving a bedroom and an en-suite, areas not deemed to be primary living areas. They therefore cannot be said to have such harmful impacts on the loss of privacy as to justify refusing planning permission.

The proposed porch has no significant harmful impact on neighbouring amenities.

### Highway issues

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

There is adequate space located 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 representation from a neighbouring resident was received with concerns over a letter they had received from solicitors regarding a loft conversion at the application site. However this neighbouring resident has also sent an email to the Local Planning Authority to confirm the letter was sent in error by the solicitors and they therefore have no objection to the plans for No. 44.

### 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 drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

Drawing No. P01 b

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.

<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