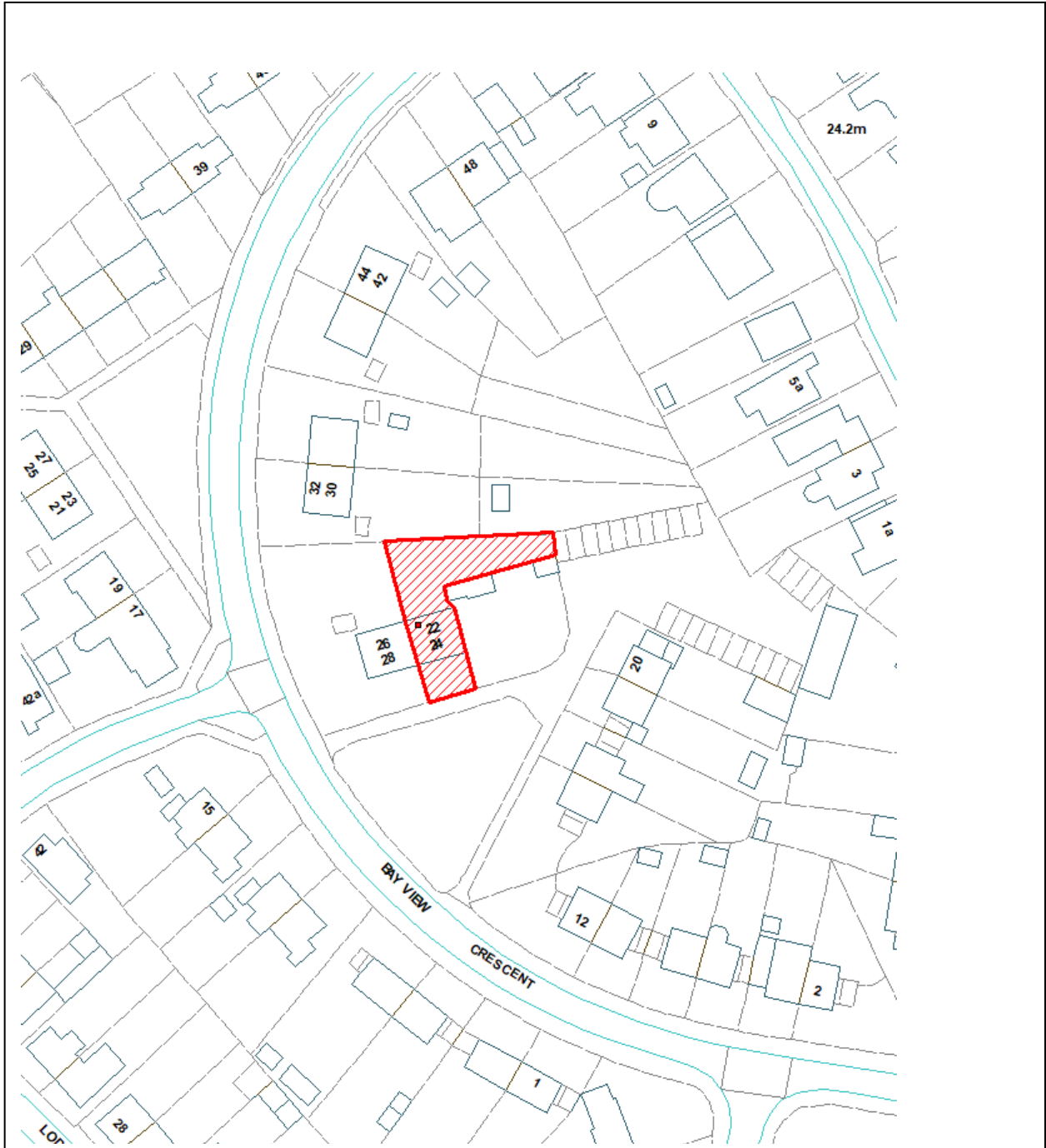


PLANNING COMMITTEE

14TH MARCH 2023

REPORT OF THE DIRECTOR OF PLANNING

A.5 PLANNING APPLICATION – 23/00051/FULHH – 24 BAY VIEW CRESCENT LITTLE OAKLEY HARWICH CO12 5EG



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Application:	23/00051/FULHH	Expiry Date:	30th March 2023
Case Officer:	Eve Ramsden		
Town/ Parish:	Little Oakley Parish Council		
Applicant:	Mr Connor Smith		
Address:	24 Bay View Crescent, Little Oakley, Harwich, Essex CO12 5EG		
Development:	Proposed erection of front porch with pitched roof.		

1. Executive Summary

- 1.1 The application is before Members as an Ownership Certificate has been served on Tendring District Council as they own the freehold of the flats.
- 1.2 The proposed porch will be located to the front of the property and therefore publicly visible. The single storey nature of the proposal as well as its significant set back from the main highway will reduce its prominence and the presence of other similar additions to nearby houses will allow it to be consistent with the character of the locale. The proposed addition is of a suitable size and design in relation to the host dwelling and the use of grey boarding will act as a suitable contrast between the host dwelling and enlargement as well as be in keeping with the range of materials within the area.
- 1.3 The proposed porch does not result in any significant loss of light or undue loss of privacy to the adjacent (and above) neighbouring properties and is considered to be acceptable in terms of residential amenities.

Recommendation: Approval

- 1) That the Director of Planning be authorised to grant planning permission subject to conditions as stated at Paragraph 8.2 and those as may be deemed necessary by the Director of Planning; and,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

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

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

2.2 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.

3. Relevant Planning History

21/01028/FUL	Erection of single storey rear extension to ground floor flat.	Approved	12.08.2021
23/00051/FULHH	Proposed erection of front porch with pitched roof.	Current	

4. Consultations

None required for this application.

5. Representations

None received for this application.

6. Assessment

Site Context

- 6.1 The application site comprises of a ground floor flat located within a two storey semi-detached building in Bayview Crescent. The building is finished in red brick with a tile hung roof. The buildings themselves are set back from the road with an area of open space to the front obscuring views of the dwellings from the highway.
- 6.2 There is an area of private amenity to the rear which has been split into two sections for the ground floor and first floor flat. The occupants also have shared access of an existing outbuilding.
- 6.3 Sited to the west is a two storey building which joins the host dwelling. This neighbouring site also comprises of a ground floor and first floor flat with walling and fencing positioned along the shared boundaries.
- 6.4 Sited to the east of the site there is an existing garage block with associated parking. This boundary comprises of fencing.
- 6.5 The site is located within the development boundary.

Planning History

- 6.6 A previous application for planning permission has since been approved under reference 21/01028/FUL for a single storey rear extension which was also discussed at Planning Committee.
- 6.7 The Planning Committee felt the development could be recommended for approval under delegated powers subject to the amendment of the plans omitting the rooflights. These amendments were provided and the application was approved in line with the Planning Committee recommendations.

Proposal

- 6.8 This application seeks planning permission for the erection of a single storey pitched roof porch 2.8m in height 2.4m in width and 1.4m in depth. The proposed porch will be finished in grey cement boarding, tile hung roof to match existing dwelling and new pvcu door.

Principle of Development

- 6.9 The principal of the development is considered acceptable as the proposal simply seeks to extend and improve the host dwelling. The main considerations are the design and impact of the proposal to neighbouring dwellings.

Appearance

- 6.10 The porch will be sited to the front of the building and will therefore be a publicly noticeable addition. Whilst visible the building itself is significantly set back from the highway with a large area of open space in front reducing the impact of the proposal onto the streetscene.
- 6.11 The new porch itself will be set back from the sites front boundary and will be of a suitable size and design in comparison to the main house and will be consistent with other similar front additions within the vicinity.
- 6.12 The new addition will be finished in grey boarding which will differ from the brick of the existing house however given the minor nature of the proposal and its minimal impact on the streetscene the use of such a material is considered to be a suitable contrast to the main dwelling breaking up the expanse of brickwork. It is also noted that other properties in the area do range in terms of materials and colours allowing the proposal to be in keeping with such.
- 6.13 The proposed porch is therefore considered a suitable addition to the existing building which would not result in an adverse impact to the appearance and character of the host building and locale.
- 6.14 The plans show a front elevation "Option 2" the applicant has been advised that only one design approach can be considered, and this drawing does not form part of the application.

Impact on Residential Amenity

- 6.15 The proposal is of a minor nature and suitable distance away from shared boundaries preventing it from resulting in a loss of amenities to occupants of nearby dwellings.

7. Conclusion

- 7.1 It is therefore considered that the proposal complies with the national and local policies listed above and in the absence from material harm resulting from the development is 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. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

2101.3 - Site Plan

Amended Proposed Elevations and Floor Plans (not including drawing title "Option 2) - Received 10.02.2023

Email dated 10th February providing details of materials proposed.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

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/>.