

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
Case officer recommendation:	JR	22.03.2023
Planning Manager / Team Leader authorisation:	JJ	22/03/2023
Planning Technician final checks and despatch:	ER	22/03/2023

**Application:** 23/00134/FULHH **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Riley

**Address:** 17 Holland Park Clacton-on-Sea Essex

**Development:** Proposed single storey side extension and detached outbuilding.

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

Clacton Non Parished

### **2. Consultation Responses**

None

### **3. Planning History**

None

### **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)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

Essex County Council Parking Standards Design and Good Practice Guide 2009

### **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**

### Site Description

The application site is located on the southern side of Holland Park, within the defined Settlement Development Boundary of Clacton-on-Sea. The site comprises of a detached chalet bungalow with hardstanding for parking to the frontage. The surrounding area is residential in nature and is sited within Flood Zone 1 which has a low risk of flooding.

### Proposal

This application seeks planning permission for the erection of a single storey side extension and a detached outbuilding within the rear garden.

The outbuilding measures 7.8m x 3.8 and has an eaves height of 2.6m and a maximum height of 3.8m and comprises of a garden store, office and shower room.

The side extension would provide a kitchen extension and measures 5.2m x 2.3m, with an eaves height of 3m and a maximum height of 4.2m.

### Assessment

#### Principle of Development.

The application site is within a defined settlement development boundary as identified within the adopted Local Plan. The proposal relates to an extension/addition and ancillary outbuilding to a residential dwelling and therefore the principle of development is considered to be acceptable subject to the detailed policy considerations discussed below.

#### Design and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

The proposed extension is of a small scale and is single storey, with a low-pitched roof. The extension is set back from the front wall of the dwelling, behind the existing fencing and would have limited visibility within the streetscene. The materials are red brick and are considered to be in keeping with the main dwelling and the mixed streetscene.

The proposed outbuilding is considered to be of an appropriate size and scale in relation to the host dwelling and its locality, given the depth of the rear gardens in this location. There are other outbuildings and garages seen within the neighbouring rear garden scene. The outbuilding is considered to be a subservient addition to the rear garden and is sited close to the main dwelling. The uses are considered to be ancillary to the use of the dwelling and therefore the size of the outbuilding is considered to be justified.

The external materials are considered to be acceptable and the outbuilding is considered to be of a domestic appearance, being brick built and is therefore in keeping with the residential garden location. The outbuilding would not be visible within the streetscene.

The proposal is therefore considered to be of an appropriate design and appearance with no significant adverse effect on the visual amenities of the area.

#### Impact to Neighbours

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. Policy SPL 3 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 proposed extension is sited fairly close to the shared boundary with No. 15, Holland Park, however this property is a two storey dwelling and is sited away from this shared boundary. The extension comprises of a high level window which is annotated to be obscure glazed, therefore mitigating any loss of privacy concerns. Being single storey in nature, the proposed extension is not considered to have a detrimental impact on the residential amenities of the neighbouring properties in regards to overlooking, undue sense of enclosure or loss of outlook or light.

The outbuilding is single storey in nature and located within the rear private amenity area, close to the main dwelling and adjacent to the shared boundary with No. 15. The neighbouring properties have similar depth gardens, with garages and outbuildings present within the rear garden scene. Therefore it is not considered that the proposed outbuilding would result in a materially harmful impact on the outlook or loss of light to the occupiers of the neighbouring properties or result in overbearing impacts. There are no side windows proposed therefore no overlooking or loss of privacy concerns are raised.

### Highway Safety and Parking

The Essex County Council Parking Standards 2009 set out the parking requirements for new development. For a dwelling in excess of two bedrooms, 2 parking spaces are required measuring 5.5m x 2.9m.

The proposal does not impact on or increase the parking provision required on the site and retains the required 2 spaces to the front of the property

### Third Party Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

### 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 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. 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.

Site Location Plan Received 25.01.23

Drawing No: RHP-01 Outbuilding Proposed Elevations and Floor Plans

Drawing No: RHP-02 Block Plan and Existing and Proposed Elevations and Floor Plans (extension)

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.

### 3. ANCILLARY/INCIDENTAL USE

CONDITION: This permission shall only authorise the use of the outbuilding hereby approved for purposes incidental and ancillary to the principal dwelling known as 17 Holland Park (or as may be renamed in the future) and does not permit the use of the outbuilding as residential accommodation forming a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed outbuilding would not be acceptable under the established policies of the adopted Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

## 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? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO