

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	27/03/2023
Planning Manager / Team Leader authorisation:	SCE	29.03.2023
Planning Technician final checks and despatch:	ER	30/03/2023

Application: 22/02020/FULHH **Town / Parish:** St Osyth Parish Council

Applicant: Mrs Carly Vickery

Address: 11 D'Arcy Road St Osyth Clacton On Sea

Development: Proposed two storey and single storey rear extension.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

n/a

3. Planning History

22/02020/FULHH Proposed two storey rear extension. 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

Supplementary Planning Documents
Essex Design Guide

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

Proposal

This application seeks permission for the erection of a two storey and single storey rear extension to a semi-detached house located within the settlement development boundary of St Osyth.

Design and Appearance

The two storey rear extension will measure a maximum depth of 5.23 metres where it joins the southern corner of the existing dwelling, reducing to 3 metres in depth on the northern boundary shared with 15 D'Arcy Road creating a split gable design. The single storey rear extension will fill the L-shape gap created by the two storey rear extension also adjacent to the side boundary shared with 15 D'Arcy Road. The ridge height and eaves of the two storey extension will match those of the existing dwelling while the flat roof of the single storey extension measures a maximum of 2.88 metres.

The extensions will be finished externally with a brick plinth and cement fibre weatherboarding, with roof tiles, windows and doors to match the existing dwelling. The use of modern materials to the rear of the house is considered acceptable in this context, given the setback nature of the proposal and differing house styles and materials evident in the immediate area.

The design and scale of the extensions would result in no material harm to visual amenity.

Impact upon Residential Amenity

The two storey rear extension is a distance of 1.2 metres to the side boundary shared with 9 D'Arcy Road and a distance of 3.3 metres between the dwellings themselves. Due to the close proximity of the rear extension to this neighbour where there is the potential for three side facing windows to be affected, two at first floor and one at ground floor, the sunlight/daylight calculations specified in the Essex Design Guide have been applied and are dealt with in turn below.

The 45 degree line would intercept the ground floor window of 9 D'Arcy Road in plan, however the 45 degree would not intercept the ground floor window in elevation and therefore the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The 45 degree line would intercept the first floor side facing window nearest to D'arcy Road serving the first floor living room as a secondary window of 9 D'Arcy Road in plan, however the 45 degree would not intercept this window in elevation. In addition, this window lies parallel to the existing dwelling of 11 D'Arcy Road and therefore the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The first floor side facing bathroom window, nearest to the rear elevation is not intercepted by the 45 degree line in plan or elevation and therefore the loss of light to 9 D'Arcy Road as a whole is not so significant as to justify refusing planning permission on these grounds.

The rear extensions have been designed in a way that reduces the impact of loss of light to the neighbour of 15 D'Arcy Road and as such there will be no significant impact in this regard.

A new first floor side facing bathroom window will be installed. On the grant of planning permission a condition will be imposed to secure the bathroom window as being obscure glazed. There are no other first floor side facing windows. The two new rear facing first floor windows serve bedrooms that are not generally lived in during daytime hours and therefore is not considered to have a significant impact to neighbouring amenities in terms of loss of privacy or overlooking.

Over 200 square metres of private amenity space will remain following the construction of the proposal which is considered more than adequate and the existing off road parking arrangements will not be affected.

Other considerations

St Osyth Parish Council raise no objections to the proposal.

No other letters of representation have been received.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

Drawing No. 2022-41 Revision A

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 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the first floor bathroom window in south elevation shall be glazed in obscured glass before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.
<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>
 If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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>

