

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	24/03/2023
Planning Manager / Team Leader authorisation:	SCE	29.03.2023
Planning Technician final checks and despatch:	ER	30/03/2023

Application: 23/00256/FULHH **Town / Parish:** Weeley Parish Council

Applicant: Chapman

Address: Woodview Clacton Road Weeley Heath

Development: Proposed rear extension.

1. Town / Parish Council

Weeley PC Weeley Parish Council considered this application at its meeting on 20 March 2023. It resolved not to object or comment on it.

2. Consultation Responses

Not required

3. Planning History

23/00256/FULHH Proposed 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

Local Planning Guidance
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 (including Site Description and Proposal)

Proposal

This application seeks planning permission for a first floor extension and single storey rear extension.

Assessment

Design and Appearance

The proposal will be sited to the rear however the open spaces between the houses will allow for some views of the enlargement to be publicly visible within Clacton Road. These views will be minimal given its set back and predominant screening by way of the host dwelling and would therefore not result in a significantly harmful impact to the appearance/ character of the existing house or streetscene.

The local area comprises of a mixture of differently designed and sized dwellings with many having already extended at first floor level which are visible from the streetscene.

The proposal is of a suitable design and scale in regards to the main house and will be finished in materials which are consistent with the host dwelling.

The site is of a suitable size to accommodate the proposal and still retain a usable area of private amenity space.

Impact on Neighbours

Sited to the East is Easterville which is a chalet bungalow which has previously been extended under a planning permission approved in 2005. Due to the new depth of this neighbouring house the first floor element of this proposal would not extend past the rear elevation of this neighbour and is considered not to result in a significant loss of light and outlook.

The single storey element will be visible from this neighbours rear openings however it will be set off of the boundary by at least 1.7m and flat roof in design. The single storey element will also be largely screened by the existing boundary fencing. Due to the design and siting away from the neighbours boundary the enlargement is considered not to result in a significant loss of outlook or light to refuse planning permission upon.

Sited to the north west is a building known as Lulworth which has its own conservatory to the rear and fencing in situ along the shared boundary. The proposed first floor element will not extend past this neighbours rear elevation. The proposed single storey element will be visible and will result in a loss of outlook and light to this neighbours conservatory from the rear and side openings. The Essex Design Guides sunlight/ daylight calculations have been applied and in this instance the 45 degree line in plan would strike through the centre of the neighbours conservatory where as in elevation it would not. The proposal passes the tests and in this instance would not result in such a significant loss of light to refuse permission upon.

The proposed single storey extension will have a flat roof design and be largely screened by existing boundary fence reducing its prominence to the neighbour meaning that a loss of outlook would not be so significant as to refuse this application upon.

The neighbouring dwellings both have windows along their side elevation which face onto the host dwelling and boundary fencing thereby receiving little to no outlook and like. The proposal will result in a further reduction to this however given the level of outlook and light already received it would be unreasonable to refuse planning permission on these grounds.

There will be no new openings within the side elevations at first floor.

There will be new openings at ground floor however given their siting and screening by way of boundary fencing are considered not to compromise the privacy of neighbouring dwellings.

The first floor addition will have windows within its rear elevation which will face out into the garden. As the host dwelling is already two storey in design with windows at first floor the rear which achieve views of neighbouring gardens it is considered that the loss of privacy resulting from these openings would be unreasonable grounds to refuse permission upon.

Other Considerations

Weeley Parish Council have no objections to the proposal.
There have been no letters of representation received.

Conclusion

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

6. Recommendation

Approval - Full

7. Conditions

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.

1396/06A
1396/05A
1396/04

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. 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.