

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	04.04.2023
Planning Manager / Team Leader authorisation:	JJ	05/04/2023
Planning Technician final checks and despatch:	CC	05.04.2023

Application: 23/00209/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Ms D Early

Address: 2 Windsor Avenue Clacton On Sea Essex

Development: Proposed ground floor rear extension.

1. Town / Parish Council

Clacton Non-Parished No comments required

2. Consultation Responses

Not Applicable

3. Planning History

23/00209/FULHH Proposed ground floor 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

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 the erection of a ground floor rear extension.

Application Site

The site serves a detached dwelling located towards the south of Windsor Avenue, within the settlement development boundary of Clacton on Sea.

Assessment

Design and Appearance

The proposed extension will be of a single storey nature and located to the rear of the dwelling, however, as the site is located on a corner plot the proposed extension will be visible from the public views of Coopers Lane.

The extension is noted to be of a large scale and footprint in relation to the host dwelling. However, the site can accommodate for this whilst retaining adequate functional and useable private amenity space of a sufficiently good quality.

The extension will be finished in white painted render of a brick plinth with a flat roof design, incorporating a double glazed roof lantern. The proposed materials will help the extension to blend with the existing site and its locality and lessen any impact on visual amenities.

The proposed extension is not considered to have any harmful impacts on the visual amenities of the area which are so significant as to justify refusing planning permission.

Impact on Neighbouring Amenities

The proposed extension is of a single storey nature and therefore poses no significant threat to overlooking or loss of privacy to the adjacent neighbouring dwellings.

The proposed extension does not extend further than the rear elevation of neighbouring dwelling No 4 Windsor Avenue and therefore does not pose any significant risk to the loss of light.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof does not intercept over half of the conservatory on the neighbouring dwelling, No 2 Balmoral Avenue, in both plan and elevation. It therefore cannot be said to have any significant impact on the loss of light. Furthermore, the conservatory is fully glazed, located due

south west of the proposed extension, and will therefore continue to receive adequate sunlight/daylight.

The proposed extension therefore has no significant harmful impacts on neighbouring amenities.

Highway issues

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

Other Considerations

Clacton is non-parished and therefore no comments are required.

One letter of objection has been received, the concerns highlighted in this letter have been summarised and responded to in the table below;

Objection / Concern	Officer Response
Overdevelopment of existing property measuring double in footprint to the existing home and can cause potential damage to neighbouring homes	The size and scale of the proposal has been assessed in the above report. The site has been deemed able to accommodate for this and the proposal is deemed to be of an acceptable scale.
Issues with ground drainage and the additional weight of the structure could or may cause subsidence to neighbouring properties and the green space that becomes non-existent to this proposal	Drainage in this context is not a material planning consideration and has not been assessed within this report. This matter will be handled appropriately by building control.
The boundary measurements have been taken from the neighbouring fence which changes the measurements set out in the WA/2	Boundary disputes are not a material planning consideration. This is a civil issue and should therefore be treated as such.
Loss of light to 2 bedroom windows and the impact this will have on daily life and additional costs to light the affected rooms.	The impact the proposal will have on neighbouring dwellings has been fully assessed above. The proposal does not pose a significant enough impact on the harm to neighbouring amenities as to justify refusing planning permission, and as set out in the report above.
Pending damage to neighbouring property as ground is wet clay foundation and that will need to be supported by underpinning	This is not a material planning consideration. This issue falls between a civil matter and building regulations matter and should be treated as such/will be considered as part of the building regulations process.
The footprint of this property is on a corner plot which will impact access by vehicles coming and going and will cause damage to surrounding footprint around this property and neighbouring properties	The proposed extension is set back from the highway and will not block views of the road users therefore having no harmful impact on highway safety / damage to properties due to highway issues.
Noise levels – the development will impact on the personal and social lives of neighbours.	The site will remain as a residential home and any noise levels emitted as a result of the extension are considered to be in line with noise expected from residential sites. If the noise levels exceed those that are to be expected following construction this will be a civil matter and should be treated as such. Higher levels of noise are to be expected during the construction phase, however as this will not be an ongoing issue it is not deemed harmful enough to refuse planning permission.

The owner of the property / the planning department will be expected to pay for any damage cause to the neighbouring property.	Any damage caused to neighbouring properties as a result of the works will be a civil issue and should be dealt with as such. The Local Planning Authority are not responsible for rectifying any damage caused as a result of the works.
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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 / Reasons for Refusal

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.

Drawing No. WA/2

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.

<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>