

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	17.05.2023
Planning Manager / Team Leader authorisation:	JJ	17/05/2023
Planning Technician final checks and despatch:	CC	17.05.2023

**Application:** 23/00433/FULHH **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Mosley

**Address:** 37 Ipswich Road Holland On Sea Clacton On Sea

**Development:** Proposed side flat roof dormer, removal of chimney stacks, erection of single storey rear extension with glazed roof lanterns, front porch (following demolition of existing porch) and conversion of garage into habitable accommodation.

### **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)

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
CP1 Sustainable Transport and Accessibility

Essex County Council Car Parking Standards - Design and Good Practice

### **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 western side of Ipswich Road, Holland-on-Sea and comprises of a detached pitched roof two storey chalet dwelling with integral garage and hardstanding to the frontage. The surrounding area is residential in nature and comprises of mainly bungalows and chalets of varying designs and styles resulting in a mixed character within the streetscene.

The site is located within the defined settlement development boundary of Clacton-on-Sea and is within Flood Zone 1 which has a low risk of flooding.

### Proposal

The application seeks planning permission to remove the existing chimneys, construct a 4m deep single storey rear extension, side dormer and front porch. It is also proposed to convert the existing garage into living accommodation. The development proposed was altered by the applicant early on in the application process, the rear extension was reduced in size and the side dormer was slightly increased in size. This was at the applicant's request and was accepted by the case officer. Therefore the application is assessed on the basis of the amended plans.

### Principle of Development

The application site is located within the defined settlement development boundary of Clacton-on-Sea, as identified within the adopted Local Plan. The proposal relates to an extension/addition 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 extensions are considered to be of an appropriate size and scale in relation to the host dwelling. The side dormer and rear extension are to be finished in render and the proposed porch will be finished in face brickwork to match the existing dwelling. The side dormer is well situated within the roof plane, and whilst not commonplace within the street scene the design is considered to be acceptable and would not form a prominent feature within the streetscene.

There are no objections to the removal of the chimneys which is necessary to facilitate the construction of the proposed dormer. The garage conversion would involve the replacement of the garage door with a new window which is design to match the window to the other side and provides a symmetrical view from the front elevation either side of the new porch.

The extensions and additions are therefore considered to be in keeping with the character and appearance of the main dwelling and the wider 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 rear extension retains adequate separation distance from the shared boundary with No 39 Ipswich Road, being single storey in nature and some 4m deep. The proposed side dormer is to serve a bathroom and en-suite and is therefore considered likely to be obscure glazed for privacy reasons. However these windows would overlook the flank elevation of No. 35 Ipswich Road, including the main entrance and conservatory to the rear/side of this neighbouring dwelling. Therefore it is considered reasonable to add a condition to any grant of planning permission to ensure that these windows are obscure glazed and maintained as such.

Therefore the proposal 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, light or privacy.

#### 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 proposed conversion of the garage would result in the loss of a parking space, however there is hardstanding across the frontage of the property that is considered to be large enough to accommodate the policy required 2 parking spaces. The proposal has no impact on the existing highway access, therefore there are no highways or parking concerns raised.

#### Third Party Consultation Responses

Two representations have been received from the same address following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties. Concerns were raised regarding overlooking and loss of privacy from the windows of the side dormer. However as outlined in the report these are to be conditioned to be obscure glazed which will mitigate any loss of privacy or overlooking concerns.

#### 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.

Drawing No – 01 Rev C - Location Plan, Block Plan, Existing and Proposed Elevation and Floor Plans.

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 window/s in the side dormer hereby approved 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 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