

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JJ	07.11.2023
Planning Manager / Team Leader authorisation:	AN	07/11/23
Planning Technician final checks and despatch:	BB	07/11/2023

Application: 23/01294/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Ms Michelle Smith

Address: 101 Flatford Drive Clacton On Sea Essex

Development: Proposed demolition of existing car port and garage to side on boundary, build ground floor extension to side.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

96/00762/FUL	Retention of fence around back and one side of rear garden	Approved	16.07.1996
23/01294/FULHH	Proposed demolition of existing car port and garage to side on boundary, build ground floor extension to side.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (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
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout

Supplementary 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a detached bungalow located to the east of Flatford Drive. The site is within the Clacton Settlement Development Boundary.

Proposal

The application seeks permission to demolish the existing car port and garage to side on boundary and build a ground floor extension to the side.

Amended plans have been received which show the retention of the brick wall to the boundary.

Assessment

Visual Impact

The proposed garage and car port demolition and side extension is located to the right side of the property when viewed from Flatford Drive. The proposed extension is set marginally back from the existing dwelling and will create a gap between the property and the boundary line. The proposal includes the retention of the brick wall at the boundary of 103 Flatford Drive.

The proposed side extension will be clearly visible from the street scene of Flatford Drive however as it will be in keeping with the design and scale of the existing dwelling it would not have a significant harmful impact.

Flatford Drive consists of a mixture of detached bungalows, semi detached bungalows with prominent dormers as well as two storey houses.

The proposal will use matching materials which will help it blend well with the existing dwelling. The application site can comfortably accommodate for the extension whilst retaining adequate private amenity space. It is therefore deemed to be of an acceptable size and scale.

Impact to Neighbours

The proposed extension is single storey and sited to the right of the property. The pitched roof side extension will be visible from the streetscene of Flatford Drive and the neighbouring property at number 103 Flatford Drive. As the proposal is only single storey there is no threat of overlooking the neighbouring property from the proposed office/study window due to the retention of the brick wall. The low height of the roof will not result in a significant loss of light or outlook.

The proposed extension will not cause loss of privacy to any of the neighbouring properties.

Other Considerations

The existing car port and garage will be demolished and replaced by a side extension, this will result in the loss of parking provision on site however the existing garage does not meet current parking standard dimensions (3mx7m) so cannot be considered to provide a usable parking space. There is also sufficient space remaining on the existing driveway to park two vehicles.

We have received one letter of representation raising the following concern:

- The demolition of the carport includes the wall at the boundary, which will leave the neighbours property insecure.

Officer response – The proposal for the demolition of the car port and garage lies within the red line site owned by the applicant. The amended proposal now includes the retention of the wall at the boundary. Any concerns over who owns the wall is a civil matter between the applicant and the neighbour which is separately covered by the Party Wall Act and is not a material planning consideration.

Conclusion

The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm the proposal is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

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).

Site Plan - Received 20.09.2023
Block Plan - Received 20.09.2023
A1-102309-2P
A1-102309-2SP

REASON: For the avoidance of doubt.

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.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO