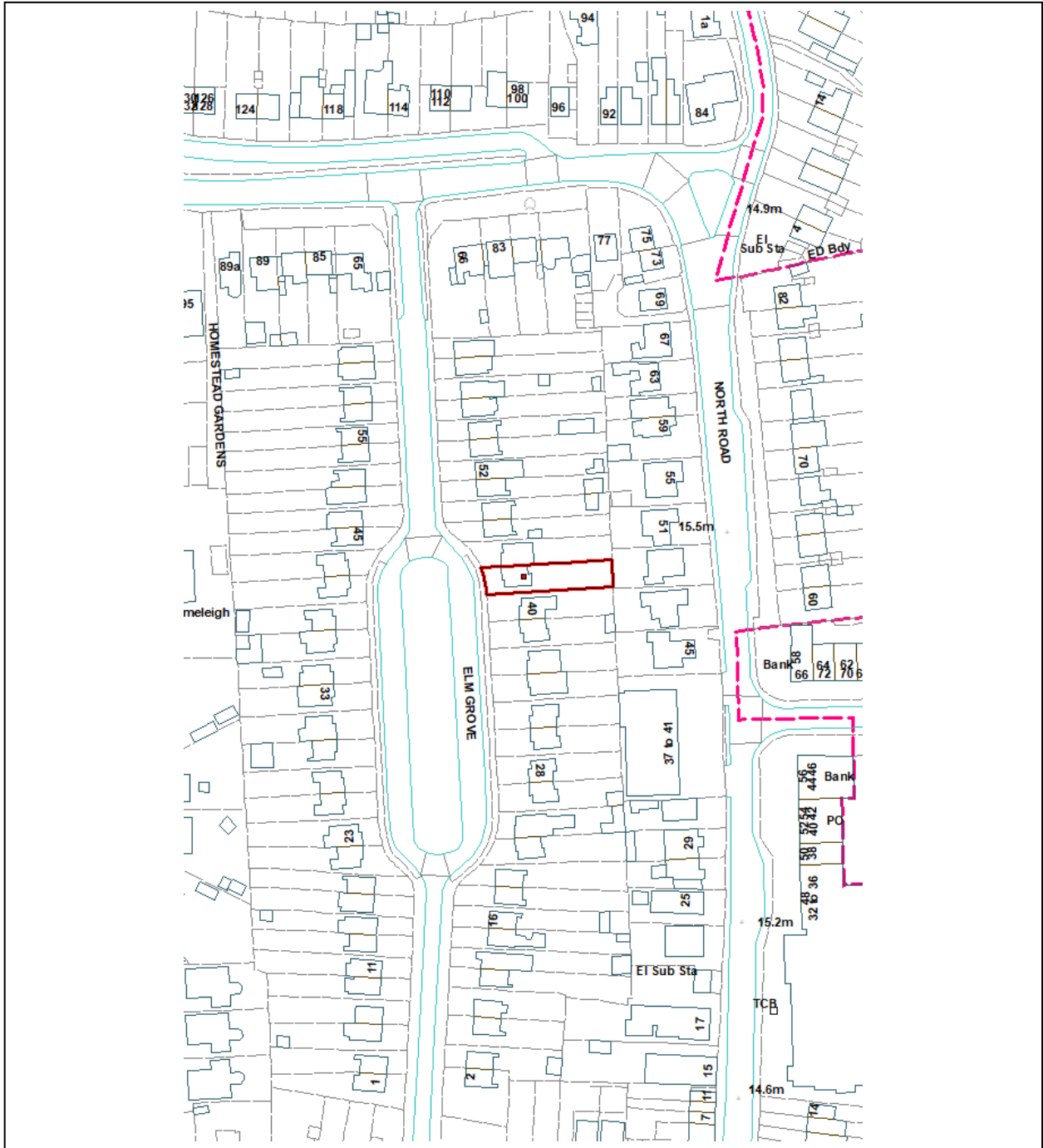


PLANNING COMMITTEE

21st November 2023

REPORT OF THE DIRECTOR OF PLANNING

A.2 PLANNING APPLICATION – 23/01448/FULHH – 42 ELM GROVE CLACTON ON SEA CO15 4DH



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Application:	23/01448/FULHH	Expiry Date:	18th December 2023
Town/ Parish:	Clacton Non Parished		
Applicant:	Housing Portfolio Holder		
Address:	42 Elm Grove Clacton On Sea CO15 4DH		
Development:	Retrospective application for a single storey rear extension to provide facilities for disabled person.		

1. **Executive Summary**

- 1.1 The application is brought to Planning Committee as the building is owned by Tendring District Council.
- 1.2 This application seeks retrospective planning permission for the erection of a single storey rear extension measuring 3.8m in depth and 3.1m in height.
- 1.3 The extension is sited to the rear of the house and is deemed to be of an acceptable size, scale and appearance with no significant adverse effects on the visual amenities of the area.
- 1.4 The single storey nature of the extension means it poses no significant threat to overlooking or loss of privacy to the adjacent neighbouring dwellings. It has no significant impacts on the loss of light which are so significant as to justify refusing planning permission.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

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:
Essex Design Guide

No emerging or adopted neighbourhood plan

Status of the Local Plan

- 2.2 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.

3. Relevant Planning History

23/01448/FULHH Retrospective application for a single Current
storey rear extension to provide
facilities for disabled person.

4. Consultations

None Required.

5. Representations

- 5.1 Clacton is non parished and therefore comments of this nature are not expected.
5.2 There have been no letters of representation received.

6. Assessment

Site Context

- 6.1 The application site comprises of a two storey semi detached dwelling within the development boundary of Clacton.
6.2 The existing house is set back from the front boundary with off street parking to the front. The rear garden is mainly laid to lawn with boundary fencing already in situ.
6.3 The house is brick in construction and benefits from a previous kitchen extension to the rear.

Proposal

- 6.4 This application seeks retrospective planning permission for a single storey rear extension to provide facilities for disabled person.
6.5 The extension measures 3.8m in depth and 3.1m in height and has been constructed in brickwork with a fibreglass flat roof.
6.6 The proposed addition has created an additional bedroom at ground floor and was erected at the time of the officers site visit.

Visual Impact

- 6.7 The proposed extension is sited to the rear and therefore not publicly visible from Elm Grove.
- 6.8 The proposed addition is of a suitable design and size which is appropriate to the existing house and has been finished in materials which is consistent with the host dwelling.
- 6.9 The site is of a suitable size to suitably accommodate the enlargement and still retain a usable area of private amenity space.
- 6.10 The proposed addition is therefore considered a suitable enlargement of the house which does not result in a harmful impact to the appearance or character of the host dwelling or streetscene.

Impact to Neighbours

- 6.11 The proposed extension is sited sufficiently away from the southern and eastern boundaries of the site and largely screened by aspects of the host dwelling and boundary fencing preventing it from resulting in a significant loss of amenities to these neighbours.
- 6.12 The proposed extension has been erected along the shared boundary shared with the adjoining neighbour or 44 Elm Grove. Due to this siting the proposed addition is noticeable to this neighbour and does have some impact to its existing level of light and outlook already received.
- 6.13 The sunlight/ daylight calculations specified within the Essex Design Guide have been applied to the plans. In this instance the 45-degree line in elevation would strike through this neighbours nearest window where as in plan it would only strike through a small section of it. The proposal therefore passes the tests and the level of light lost in this instance is considered not so significant to refuse planning permission upon in this instance.
- 6.14 The proposed addition is of a single storey flat roof design which can be largely screened by the existing boundary fencing reducing views. It is also minded that under permitted development this boundary fence can be increased to 2m in height which would reduce the proposal further. Whilst this neighbour does achieve views of the new extension from its nearest window it has been considered that these would not result in such a harmful impact to this neighbours outlook which would require the need to refuse permission upon in this instance.
- 6.15 The proposal is of a single storey design with no side facing windows which will look onto this neighbouring site preventing it from resulting in a loss of privacy to 44 Elm Grove.

7 Conclusion

- 7.1 The proposal has been considered against the national and local policies listed above and is complicit with these. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8 Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

8.2 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 A2022/10/03

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.

8.3 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.

9 Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10 Background Papers

- 10.1** In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.