

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	BB	17/01/2024
Planning Development Manager authorisation:	ML	17/01/2024
Admin checks / despatch completed	ER	17/01

Application: 23/01666/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Mrs H Littlechild

Address: 6 Sea Glebe Way Jaywick Clacton On Sea

Development: Proposed enlargement of the roof to create an additional bedroom in the existing balcony area.

1. Town / Parish Council

Clacton-on-Sea is non-parished

2. Consultation Responses

Not applicable

3. Planning History

96/00314/FUL	Replacing previous extension to back for utility room and cupboard space	Approved	25.04.1996
16/02064/FUL	Erection of pitched roof with associated first floor.	Approved	07.03.2017
23/01666/FULHH	Proposed enlargement of the roof to create an additional bedroom in the existing balcony area.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))
National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (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
PPL1 Development and Flood Risk

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 is located on the eastern side of Sea Glebe Road and consists of a two storey detached dwelling which faces south overlooking the seafront. The site lies adjacent a Public Right of Way. The neighbouring properties are a mixture of one and two storey dwellings.

Proposal

This application seeks planning permission to enlarge the roof to create an additional bedroom in the existing balcony area.

Assessment

The key considerations of this application will be Design and Appearance, Impact upon the Neighbours, Flood Risk and Other Considerations.

Design and Appearance

The proposal seeks to extend the first floor to the south, infilling the balcony area and creating an additional bedroom. The infill measures 3.0 metres in depth, 6.6 metres in width with the roof matching the existing height and design of the host dwelling.

The application site is located east of Sea Glebe Way overlooking the seafront where the proposal will be heavily visible. The proposal will also be visible from the street scene but from an oblique angle. Whilst prominent, the design is of a sufficiently good quality and will be constructed with materials which match the host dwelling, helping tie the development in and significantly reducing the potential harm the proposal may have upon the visual amenities of the area.

Impact to Neighbours

The site abuts 5 Sea Rosemary Way to the east and 8 Sea Glebe Way to the west. The proposal will significantly reduce the level of overlooking the host dwelling currently has over the neighbouring properties by enclosing the balcony on all sides and installing 1 no. opening to the southern elevation only. Furthermore, the pitch of the proposed roof and the infill being retained within the footprint of the main dwelling will result in the proposal have no significant impact to the neighbouring properties privacy light or outlook to warrant refusal of this application.

Flood Risk

The application site is located within National Flood Zones 2 and 3. The Gov.uk advice for flood risk and coastal change identifies those minor developments, including householder developments such as the current proposal, are unlikely to raise significant flood risk issues.

Policy PPL1 states that development proposals in Flood Zones 2 and 3 must be accompanied by a Flood Risk Assessment.

Although no flood risk assessment has been submitted with the application, the Government advice states that for householder extensions the proposed floor level cannot be any lower than the existing (or 300mm above the estimated flood level) which in this instance will not be, therefore the proposal is compliant with this and will not increase the risk of flooding. The Government guidance adds that flood resistant materials should be used up to at least 300mm above the estimated flood level to speed recovery in case water gets in, an informative has been added to this effect.

Other considerations

Clacton-on-Sea is non parished.

No letters of representation have been received.

6. Recommendation

Approval - Full

7. 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. AWA/1193/01

Drawing No. AWA/1193/02

Drawing No. AWA/1193/04

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.

Flood Zone 2/3 Informative

Flood resistant materials should be used up to at least 300mm above the estimated flood level to speed recovery in case water gets in.

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table)

and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

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