

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	04/07/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	AN	04/07/24
Assistant Planner final checks and despatch:	ER	04/07/2024

Application: 24/00239/FULHH **Town / Parish:** St Osyth Parish Council
Applicant: Mr Paul and Mrs Christine Harman
Address: 60 Oakmead Road St Osyth Clacton On Sea
Development: Householder Planning Application - single storey front extension and two storey side extension (re-submission of refused planning 23/01492/FULHH).

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

Not Applicable

3. Planning History

23/01492/FULHH Proposed single storey front extension and two storey side extension. Refused 13.12.2023

24/00239/FULHH Householder Planning Application - Current single storey front extension and two storey side extension (re-submission of refused planning 23/01492/FULHH).

4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. 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>

6. 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

PPL3 The Rural Landscape

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)Application Site

The application site is located on the southern side of Oakmead Road and consists of a two storey detached dwelling, which faces north. The site has an open frontage with the front garden being a mix of hard and soft landscaping. The rear garden is also a mix of hard and soft landscaping with fencing enclosing it on the southern and western boundary whilst a neighbouring outbuilding is sited along the eastern boundary.

Proposal

This application seeks planning permission for the erection of a single storey front extension and two storey side extension. This is a resubmission following refusal of 23/01492/FULHH on the following grounds: The proposed two storey side extension increases the width of the front facing gable to effectively fill the plot also resulting in an increase in height. The resultant building would appear out of scale with the prevailing pattern of development and its close proximity to the side boundary would be overbearing and cramped to the neighbouring bungalow. The proposed enlarged front balcony is also of excessive depth and adds to the incongruous nature of the development. The single storey front extension, by virtue of its excessive depth, would appear overly prominent in the streetscene.

Assessment

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

Design and Appearance

The existing dwelling is two storey but lies between two bungalows. Bungalows and 1.5 storey dwellings predominate the street scene but there are a small number of other two storey dwellings in the immediate vicinity. Properties on this southern side of Oakmead Road retain a relatively uniform, generous set back from the highway which contributes to the character of the area.

The proposed single storey front extension measuring 3.2 metres in depth, 4.1 metres in width and has an overall height of 3.6 metres at the top of the gable roof. The two storey side extension is to extend outwards encompassing the space above the existing garage. The proposal measures 2.6m in width and 7.5m in depth. The extension will be capped with a dual hipped roof complete with valley bringing its overall height to 7.2m.

Owing to its size and positioning, the two storey and single storey extension will be visible to the streetscene. This being said, the proposals adequately set back from the highway by a distance of 14m and will be finished in materials similar to the host dwelling, which will help tie the development in thereby significantly reduce the potential harm the proposal may have upon on the visual amenities of the area. Additionally, the relatively modest size of the single storey extension and the stepped ridge line of the two storey side extension creates the appearance of the proposals being subservient additions which, when combined with the materials, will significantly reduce the potential harm the proposal may have upon on the visual amenities of the area.

A balcony is proposed on the front elevation. This is to replace an existing balcony which has fallen into disrepair. The proposed balcony will match the width and height of the existing whilst having a slight increased depth of 1.5m. The balcony will be constructed from toughened glass and steel framing which due to its opaqueness will not be prominent to the streetscene thereby posing no material harm.

Impact to Neighbours

The site abuts 62 Oakmead Road to the east and 302 & 304 Point Clear Road to the south. As a result of the screening provided by the existing fencing, the bulk of the main dwelling and an adequate distance from 62 Oakmead Road, 302 & 304 Point Clear Road the proposed extensions will pose no detrimental harm to these properties in terms of loss of light, outlook or privacy.

The proposed front extension will be in close proximity to the neighbouring property of 59 Oakmead Road. However; due to its single storey nature and the screening provided by the existing boundary treatment it is deemed to pose no significant harm to this neighbour's outlook or privacy. Furthermore, a 45 degree daylight test has been undertaken and whilst the front extension fails in plan, it passes in elevation so passes the combined test and a refusal for this part of the proposal on the grounds of loss of daylight cannot be justified.

Whilst the first floor two storey side extension will appear prominent due to the 2 metre distance between the host dwelling and 59 Oakmead Road, as a result of both properties orientation, existing garage and the two storey bulk of the main dwelling compared to the single storey bungalow, it is considered any loss of light or outlook posed by the first floor two storey side extension would be minor in terms of additional harm to the overshadowing which already exists. Furthermore, the proposed window on the first floor serves a landing which is deemed a non-habitable room, there is also an existing landing and bathroom window on the facing flank. The rear facing window serves the new bedroom and will provide additional, closer views over the neighbouring rear garden but given the room use and existing overlooking material harm would not result. Therefore, no significant impact to the neighbour's privacy, light or outlook will occur to warrant refusal on these grounds.

The proposed balcony will allow the applicants to overlook the neighbouring properties to the north, east and west. However, as the proposal is to replace an existing balcony of a similar size, which already has established an overlook over the adjacent properties, no material harm will result to the amenities of the neighbouring dwellings.

Other Considerations

St Osyth Parish Council raised no objection.

1 letter of representation has been received expressing concerns the neighbouring property to the west will experience a loss of light. *(This has been addressed with the report)*

Ecology and Biodiversity

General Duty on all Authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests. Further, the proposed development is consistent with the above mentioned national and local planning policies and, in the absence of material harm the proposal is recommended for approval.

8. Recommendation

Approval - Full

9. 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). 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.

Site Plan – Rec'd 09.05.24
Drawing No. 19-2023-05PA
Drawing No. 19-2023-04PA
Drawing No. 19-2023-03PA

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.

10. **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.

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. 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

12. Notification of Decision

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>