

## 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:                        | ML       | 05/07/2024 |
| Assistant Planner final checks and despatch:                 | ER       | 05/07/2024 |

**Application:** 24/00429/FULHH **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs James

**Address:** 30 Clarendon Park Clacton On Sea Essex

**Development:** Householder Planning Application - First floor side extension over existing garage.

### **1. Town / Parish Council**

Clacton-on-Sea Non-parished

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

24/00429/FULHH Householder Planning Application - First Current floor side extension over existing garage.

### **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>

There are currently no neighbourhood plan for this area.

## 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

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 northern side of Clarendon Park and consists of a two storey detached dwelling, which faces south. The site is separated from the highway via mature dense vegetation behind which is a mix of hard and soft landscaping. The rear garden is similarly a mix of hard and soft landscaping with fencing enclosing it on all sides. The surrounding properties are a mix of single and two storey dwellings.

### Proposal

This application seeks planning permission for the erection of a first floor side extension over existing garage.

### Assessment

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

### Design and Appearance

The first-floor extension will be erected on top of an existing single storey side extension, bringing the overall height of the side projection to 7.4m. The proposal will have the same width of 2.6m as the existing side extension; however, it will have a shallower depth of 5.1m. The proposal will have a dual pitched roof with the front slope being at a longer, steeper gradient than the rear slope. This is to facilitate the installation of a small dormer on the front elevation.

Owing to its height and positioning, the first-floor extension will be visible to the streetscene, however, it will be finished in materials similar to the host dwelling, which will help tie the development in. Further, the set back from the front elevation and the stepped ridge line creates the appearance of the first-floor extension being a subservient addition which, when combined with the materials, will significantly reduce the potential harm the proposal may have upon the visual amenities of the area.

The site is considered to be of a sufficient size to be able to accommodate the proposal and still retain adequate private amenity space.

### Impact to Neighbours

The first-floor extension is positioned on the eastern facing side elevation of the host dwelling. Because of this, the proposal will pose no detrimental harm to the outlook of the neighbouring property to the west. The development is sited close to the shared boundary with the neighbour to the east and could pose some loss of outlook. However, the 2 no. ground floor windows on the neighbouring property are obscure glazed, whilst the first-floor side window serves a bedroom which has additional opening to the front and rear elevation. As a result, the first-floor extension is considered to pose no significantly detrimental harm to the outlook of this neighbouring property.

The proposal comprises of 2 no. new openings on the first floor, 1 no. facing rearward and 1 no. on the side facing east. The opening to the rear will permit views of the neighbouring gardens; however, the property already has an established overlook over the neighbouring sites via means of the existing 2 no. rear facing windows. Because of this, the placement of a rear window is considered not to result in such an increase of overlooking that would warrant the refusal of this application as such a reason will be difficult to sustain in the event of a planning appeal. Further, the plans indicate the side opening will be obscure glazed which will protect the privacy of the neighbouring property to the east. Nevertheless, a condition will be placed on this opening to ensure the window is retained as such.

Given the close proximity of the first floor extension to the neighbouring property to the east, there could be some loss of light to the ground floor window on the western facing side elevation. However, the minimal separation distance of 6.2m between the two buildings, the orientation of the neighbouring property and the overall two storey bulk of the host dwelling would have originally resulted in little light entering these openings. Therefore, it is considered that any potential loss of light caused by the development would be minimal.

### Other Considerations

No other letters of representation have been received.

## **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**

### 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. P02  
Drawing No. p01f.

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 eastern facing side elevation at first floor which serves a store room/office 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.

## 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

|   |            |                  |
|---|------------|------------------|
| <b>Are there any letters to be sent to applicant / agent with the decision?<br/>If so please specify:</b> | <b>YES</b> | <b><u>NO</u></b> |
|---|------------|------------------|

|  |     |           |
|--|-----|-----------|
| Are there any third parties to be informed of the decision? If so, please specify: | YES | <u>NO</u> |
|--|-----|-----------|