

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	13/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	AN	13/08/24
Assistant Planner final checks and despatch:	BB	13/08/2024

Application: 24/00930/FULHH **Town / Parish:** Harwich Town Council

Applicant: Mr Karalius

Address: 9 Talbot Street Harwich Essex

Development: Second floor rear addition.

1. Town / Parish Council

Harwich Town Council Harwich Town Council makes no observations to this application.

2. Consultation Responses

Environment Agency No comments received

3. Planning History

24/00368/LUPRO P Application for Lawful Development Certificate for Proposed Use or Development for proposed rear dormer loft extension and skylight. Refused 17.04.2024

24/00369/FULHH Householder Planning Application - single storey rear extension, fenestration changes (including new windows to the side and rear elevations), new recessed front door and re-rendering the external walls. Approved 31.05.2024

24/00930/FULHH Second floor rear addition. Current

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 plans 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

PPL1 Development and Flood Risk

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 south of Talbot Street and consists of a three storey end terrace dwelling which faces north. The dwelling is sited directly adjacent the highway with a track running along the sites western boundary which allows access to the rear of the host and neighbouring dwellings. The rear of the site is modest in size and consists predominately of hard landscaping. The site has an unusual shape with its width gradually narrowing down to a point towards the southern boundary.

Proposal

This application seeks planning permission to erect a second floor rear extension

Assessment

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

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions

should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale and design.

The proposal seeks to erect a second floor addition onto the existing two storey rear projection. Whilst the width and depth will remain the same, the height will increase from 6.1m to 8.1m. The proposal will have a shallow mono pitched roof with the finish of the extension matching that of the host dwelling. 2 no. opening will be inserted into the rear elevation, one servicing a bathroom on the upper ground floor whilst the other will service a bedroom on the first floor. A velux window will be installed in the rear facing roof slope.

The existing dwelling is the last in a line of 4 no. terraced properties. All 4 no. properties are similar in design with multiple floor levels, narrow widths and 1.5 storey high rear projections which are considered modest in size when compared to the existing scale of the host dwellings. The addition of a second floor to the existing rear extension will increase its overall height, finishing in the middle of the rear roof slope of the host dwelling. This will create the appearance of an overly prominent addition, which will be visible from Talbot Street creating an incongruous feature within the streetscene. Additionally, the rear extension would appear out of scale with the prevailing pattern of development, presenting a blank wall to the neighbouring dwelling sited on the shared boundary creating an overbearing and cramped appearance, and introducing windows to the rear elevation which are incongruous with the rest of the terrace, exacerbating its prominence.

Overall, the proposed extension is at odds with the rather uniform design of the host and neighbouring dwellings, dominating the host site and its surroundings. It is for these reasons that the proposed extension is considered to have significant harmful impacts on the visual amenities of the locale and is therefore contrary to the aforementioned policies.

Impact to Neighbours

The NPPF, Paragraph 132, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

The proposal is sited adjacent 7 Talbot Street to the east. Though the rear extension will have a mono pitched roof, the roof slope faces away from the adjacent properties with the proposals prominent and expansive side elevation facing the neighbouring dwellings at number 7 and number 5. The rear extensions excessive height and depth combined with the proposals siting which is directly on the shared boundary would have a harmful effect on the amenities of the neighbouring properties by reason of loss of light to the upper floor level through overshadowing whilst the overbearing appearance of the proposal will create an oppressive feeling harmful to outlook. This is further compounded by the proposed first floor windows on the rear elevation. As none of the terraced properties have windows on the rear elevation of the rear projection the inclusion of a first floor window at a height of 6.3m will allow an extensive overlook over the neighbouring dwellings which will severely harm the privacy of the neighbours not only in the immediate vicinity but the rest of the terrace and would therefore significantly harm the quality of life for these neighbouring residents.

The proposal is therefore considered to pose a detrimental impact upon the amenities of the neighbouring properties which is contrary to the aims of the above-mentioned national and local plan policies.

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 that minor developments, including householder developments such as the current proposal, are unlikely to raise significant flood risk issues. Further advice goes on to state that for householder extensions the proposed floor level cannot be any lower than the existing (or 300mm above the estimated flood level).

Policy PPL1 states that development proposals in Flood Zones 2 and 3 must be accompanied by a Flood Risk Assessment. Whilst a Flood Risk Assessment has been provided as part of the application, the assessment does not relate to this current application. Nevertheless, as the proposal is for an extension at second floor level, the proposal is considered to be compliant with the above advice and will not increase the risk of flooding.

Other Considerations

Harwich Town Council makes no observations on this application.

No other letters of representation have been received.

Conclusion

The proposed development by virtue of its excessive height and design will result in an incongruous form of development which is detrimental to visual and neighbouring amenity and the overall character of the area, contrary to the aforementioned national and local policies. The application is therefore recommended for refusal.

8. Recommendation

Refusal - Full

9. Reasons for Refusal

- 1 The existing dwelling is located at the end of a row of 4 no. terraced properties that are relatively uniform in their appearance with a linear building pattern, narrow plot widths and 1.5 storey high rear projections all of which contribute to the character of the area.

The proposed second floor rear extension will increase the overall height of the existing rear projection creating an incongruous form of development within the streetscene due to its excessive height and depth, appearing out of scale with the prevailing pattern of development at the host and neighbouring dwellings. Additionally, the proposals close proximity to the neighbouring dwellings would appear overbearing to the detriment of their light and outlook whilst the inclusion of a window at first floor level will result in both an incongruous design and loss of privacy over the gardens of the neighbouring terrace of properties.

The proposal is therefore contrary to the aims of paragraphs 131, 132 and 135 of the National Planning Policy Framework 2023 and policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing No. PL2_000

Drawing No. PL2_100

Drawing No. PL2_101

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
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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>