

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		NH	13/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO		
Team Leader authorisation / sign off:		AN	13/08/24
Assistant Planner final checks and despatch:		ER	14/08/24

Application: 24/00915/FULHH **Town / Parish:** St Osyth Parish Council

Applicant: Ms Carly Burrows

Address: 100 Dumont Avenue St Osyth Clacton On Sea

Development: Householder Planning Application - Alterations to existing fenestration and balconies, rear extension with balcony above, and loft conversion with rooflights, solar PV panels and large rear gable window within new roof.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

Not Applicable

3. Planning History

93/00431/FUL Retention of dwelling with amendments Approved 29.06.1993
to approved design

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 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

LP4 Housing Layout

PPL2 Coastal Protection Belt

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to 100 Dumont Avenue, a three storey dwelling located outside of the settlement development boundary of St Osyth. The dwelling is located to the south west of the Dumont Avenue and set back from the street scene with established landscaping to the front of the application site. The street scene comprises of a mixture of single, two and three storey dwellings.

Proposal

This application seeks planning permission for:

- alterations to the existing fenestration and balconies,
- rear extension with balcony/terrace serving the lounge
- loft conversion with rooflights and large rear gable window with new hipped roof serving the master bedroom and en-suite
- solar panels to the south easterly side elevation
- garage conversion

Assessment

The main considerations for this application are:

1. Principle of development
2. Design and Appearance
3. Impact upon Neighbouring Amenities
4. Highway and Parking Provision
5. Habitats, Protected Species and Biodiversity Enhancement
6. Other Considerations
7. Conclusion

1. Principle of development

The application site is not within a defined settlement development boundary as identified within the adopted Local Plan. However, the proposal relates to an extension/addition to a residential dwelling and therefore the principle of development is acceptable subject to the detailed policy considerations discussed below.

2. Design and Appearance

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 provide new development which is well designed and maintains or enhances local character and distinctiveness.

The single storey rear extension will measure approximately 9.8 metres by 4.8 metres with an overall height of 2.8 metres. The proposal is sited to the rear of the house and predominantly screened by the host dwelling. Whilst views will be visible from the public realm through open spaces between the house and its neighbours these would be minimal given the proposals set back from the front boundary and small scale nature. The materials proposed; render, Cambrian slate, fun metal grey UPVC and aluminium windows and doors are all materials which are considered acceptable in this location.

The use of glass balustrading to the balcony will match the balustrading to the existing terrace area. As the proposal is located to the rear of the host dwelling, it will not be visible from Dumont Avenue and therefore the balcony is not considered to cause any visual harm to the street scene. The proposed garage conversion seeks to convert the garage into a workshop/gym, retaining the existing garage door to the front elevation. The dwelling is set back from the street scene and due to there being no external changes to the garage conversion element, it is not considered to cause any harm to Dumont Avenue.

The solar panels will blend in with the natural slate roof, taking into account the dwellings significant set back from the road, the solar panels are not considered to cause a significant impact to the street scene and no adverse impacts to visual amenity.

The proposal seeks to alter the existing roof design to create a hipped roof, installing rooflights and a large rear gable window enabling a loft conversion serving a master bedroom and en-suite. The proposed roof lights will be located to the north easterly side elevation and will serve the master bedroom and en-suite. The roof lights are for light purposes only and are considered to be a minor addition to the proposed development. Although the proposed gable window is considered to be large, the proposal is located to the rear of the host dwelling with no views from the street scene of Dumont Avenue. The existing dwelling is already taller than both of its immediate neighbours. The proposed increase in both ridge height and roof mass will make the dwelling appear more prominent in the street scene and significantly taller in proportion to nearby dwellings, however this is not considered to result in demonstrable harm to either visual amenity or the character of the surrounding area due to the deep set back from the highway and the dense planting in the front gardens. The proposed alterations ensure the extended dwelling, although tall, remains appropriately proportioned and would not appear cramped to either neighbour to justify a refusal on these grounds.

The site lies within the Coastal Protection belt as designated under policy PPL2 however it represents residential extensions within an existing built up residential area so will not materially harm the open character of the undeveloped coastline.

The fenestration changes proposed to the front and rear of the dwelling are considered minor alterations which will not cause any material harm.

Suitable parking and amenity areas are also retained to serve the enlarged dwelling. Therefore, the proposal is considered to be policy compliant in this regard.

3. Impact upon Neighbouring Amenities

NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SPL 3 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

The neighbouring property to the north west is one and a half storey dwelling. The main changes visible to the neighbouring dwelling are the increase in roof form, a roof light serving the master bedroom and the single storey rear extension with the associated balcony/terrace. Although the change in roof design is visible to the neighbouring property, due to the distance to the boundary as well as the use of matching materials, it is not considered to cause any material harm to neighbouring amenities. The proposed roof light is for light purposes only and will not cause any overlooking onto neighbouring amenities. There may be glimpses of the rear extension from the neighbouring property however due to the existing boundary treatment as well as the single storey nature of the proposal and the existing built form, it will not cause any neighbouring harm. There are some concerns that the proposed first floor balcony may cause some overlooking into the areas which are likely to be occupied by the neighbouring property. Although the proposal is replacing part of the existing balcony, the proposal is larger in size and closer to the neighbouring boundary. A condition will be imposed to this permission to ensure that a 1.8 metre screen is erected along the side boundary of the terrace to avoid any overlooking to the neighbouring property.

The neighbouring dwelling to the south east is a two storey dwelling. The change in roof form will increase the build form but is no closer to the neighbouring dwelling and therefore maintains sufficient separation distance. Due to the orientation of the neighbouring property this would mitigate any significant impacts resulting from the proposal. There are some concerns that the proposed first floor balcony may cause some overlooking into the areas which are likely to be occupied by the neighbouring property. Although the proposal is replacing part of the existing balcony, the proposal is larger in size and closer to the neighbouring boundary. A condition will be imposed to this permission to ensure that a 1.8 metre screen is erected along the side boundary of the terrace to avoid any overlooking to the neighbouring property.

4. Highway and Parking Provision

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space.

The proposal will result in the loss of part of the garage however the house is set back on its plot allowing for a suitable space to the front which is large enough to accommodate the off street parking of at least 2 vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

5. Habitats, Protected Species and Biodiversity Enhancement

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 householders 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.

6. Other Considerations

St Osyth Parish Council have no objections to the proposed works.

No letters of representation have been received.

7. Conclusion

In the absence of material harm resulting from the proposed development the application 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. 1458-01-05D

Drawing No. 1458-01-06E

Drawing No. 1458-01-07D

Drawing No. 1458-01-08-D

Drawing No. 1458-01-09E

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 PRIVACY SCREENS

CONDITION: Notwithstanding the submitted details, drawings shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed privacy screens to the first floor terrace which shall be of solid construction. The privacy screens as approved shall be installed on both sides of the hereby approved first floor terrace prior to first use and retained as approved thereafter.

REASON: In the interests of reducing overlooking to neighbouring properties.

NOTE FOR CONDITION:

The privacy screens shall be of solid construction e.g. a solid timber panel (not louvres) or obscure glazed screens.

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 and Biodiversity

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	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO