

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	09/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	10/10/24
Assistant Planner final checks and despatch:	ER	10/10/2024

Application: 24/01210/FULHH **Town / Parish:** Clacton Non Parished
Applicant: Mr Jahangir Uddin
Address: 155 Old Road Clacton On Sea Essex
Development: Householder Planning Application - Construction of annexe to rear garden.

1. Town / Parish Council

Clacton-on-Sea Non Parished

2. Consultation Responses

Not Applicable

3. Planning History

08/60042/HOUEN Q Change the front of the building 15.08.2008

24/01210/FULHH Householder Planning Application - Current Construction of annexe to rear garden.

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

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 western side of Old Road and consists of a semi-detached two-storey dwelling, which faces east. The site lies directly adjacent the highway with the rear garden being a mix of hard and soft landscaping. The host dwelling is located within an area of properties, which consist of Class E / Sui Generis use on the ground floor and Class C3 above. The site lies within the settlement development boundary, Town Centre boundary and Regeneration Area for Clacton.

Proposal

This application seeks planning permission to erect an annexe in the rear garden. No details are provided of who will occupy the annexe or their degree of dependence on occupants of the main dwelling.

Assessment

The key considerations of this application will be Design and Appearance, Impact on Neighbours 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 annexe will be sited to the west of the host dwelling and measures 4.9m in width, 7.6m in depth with an overall height of 4.6m which is considered prominent in size and scale when taken into the context of the plot in which it sits and indeed the host dwelling. The disproportionately large and visually dominant annexe creates the appearance of the proposal being a separate planning unit and is considered to be incongruous with the surrounding area, which is characterised by residential outbuildings of a modest size and scale. Furthermore, the excessive proportions of the annexe, which will encompass approximately a third of the available amenity space with one structure will result in a cramped and harmful overdevelopment of the plot.

Overall, the proposal would result in a harmful form of development on the site that will fail to make a positive contribution to the host dwelling and the quality of the local environment, contrary to the aims of the above-mentioned national and local plan policies.

Impact on 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 single storey proposal is set some 7.9m away from the closest neighbouring property and would not therefore materially harm the light to neighbouring properties. However, its excessive size and scale combined with the proposal's siting which is very close to the shared boundaries and its orientation, which will have the substantial gable end facing towards the adjacent properties would result in a detrimental impact upon the outlook of the neighbouring properties by reason of its overbearing scale and close proximity to the boundaries. The annexe proposes an obscure glazed kitchen window facing south, a bedroom window facing west (rear), and an obscure glazed bathroom window facing north all in very close proximity to the site boundaries. Though the bathroom window will look north towards the neighbouring property, it could be conditioned as obscure glazed and is screened by the fence and dense mature vegetation which will negate any significant harm this opening poses. Further, the windows facing south and west whilst similarly being largely screened by existing fencing, will look out onto a car park currently being used by the adjacent funeral director. As a result, a reason for refusal based on overlooking cannot be justified.

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

Highway Safety

Essex County Council recommend that a property with 2no. or more bedrooms have a minimum of 2no. parking spaces per dwelling. Though the annexe will increase the total number of bedrooms from three to four the site does not have any existing parking spaces; therefore, the addition of an annexe to the site is unlikely to severely impact the Highway to warrant refusal of the application based on the sustainable location of the site.

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. If the application were approved, an informative would be imposed which strongly encouraged the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. 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 householder development 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.

Other Considerations

Clacton-on-Sea is non-parished.

No letters of representation have been received.

Conclusion

The proposed development by virtue of its siting and excessive size will result in an incongruous form of development which is detrimental to visual amenity and the overall character of the area. Furthermore, the annexe's close proximity to the neighbouring properties will result in a visually dominant structure which is overbearing and harmful to their outlook, contrary to the aforementioned national and local policies. The application is therefore recommended for refusal.

8. Recommendation

Refusal - Full

9. Conditions / Reasons for Refusal

- 1 The proposed annexe, by virtue of its excessive size and close proximity to the boundaries would create a visually prominent addition, which would appear cramped within the plot and incongruous with the surrounding area, which is characterised by residential outbuildings of a modest size and scale.

Furthermore, the close proximity of the proposed annexe to the neighbouring properties will result in a visually dominant structure harmful to their outlook. The proposal is therefore considered to be overbearing and incongruous to the detriment of visual and residential amenity and the character of the surrounding area.

The proposed development therefore fails to accord with paragraphs 131 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 and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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. OR/1

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>
Has there been a declaration of interest made on this application?	YES	<u>NO</u>