

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	10/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	11/10/2024
Assistant Planner final checks and despatch:		ER	11/10/2024

Application: 24/01191/FULHH **Town / Parish:** Harwich Town Council

Applicant: Mr and Mrs Armstrong

Address: Waters Edge Lower Marine Parade Dovercourt

Development: Householder Planning Application - Front extension to create feature reveal and balcony, remodel and reroofing of existing house, addition of feature side reveal for entrance, replacement of windows, addition of Velux windows, conversion and alterations to existing conservatory including new roof with overhang.

1. Town / Parish Council

Harwich Town Council
06.09.2024

Harwich Town Council advises the planning authority that it is aware of objections having been raised by residents in neighbouring properties and believes it's important that these objections are taken seriously and so request that if those objections are considered accurate and valid within planning policy, the application should be refused.

Harwich Town Council
25.09.2024

Harwich Town Council makes no objection to the amendment of this application relating to the side privacy screens on the proposed front balcony increased to 1.8metres in height for the full depth of the balcony to benefit the privacy of neighbours.

2. Consultation Responses

n/a

3. Planning History

97/01299/OUT	(Part of 'Brereton', Lower Marine Parade, Dovercourt) 3 bed detached chalet bungalow with integral garage	Approved	06.01.1998
99/00109/FUL	Detached chalet bungalow	Approved	31.03.1999
23/00179/FULHH	Proposed two storey front extension including first floor balcony; single storey side and rear extensions; and new roof including velux windows to existing dwelling. Erection of dwarf wall and metal railings and gate to front boundary (following demolition of existing front wall).	Approved	04.04.2023
23/00950/NMA	Non Material Amendment to application	Approved	27.07.2023

reference 23/00179/FULHH for change of garage door style and roof material to standing seam zinc.

24/00013/FULHH	Front extension to create feature reveal, remodel and reroofing of existing house, feature side reveal for entrance, replacement of windows, addition of velux windows, conversion and alterations to existing conservatory and replacement of existing front wall and entrance.	Approved	18.03.2024
24/00839/DISCON	Discharge of conditions application for 24/00013/FULHH - Condition 3 (Landscaping Scheme).	Approved	26.06.2024
24/01191/FULHH	Householder Planning Application - Front extension to create feature reveal and balcony, remodel and reroofing of existing house, addition of feature side reveal for entrance, replacement of windows, addition of Velux windows, conversion and alterations to existing conservatory including new roof with overhang.	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 no neighbourhood plans relevant to this location.

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 \(adopted January 2021\)](#)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond [Section 2 \(adopted January 2022\)](#)

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

[Supplementary Planning Documents](#)

[Essex Design Guide](#)

[Local Planning Guidance](#)

Essex County Council Car Parking Standards - Design and Good Practice

7. [Officer Appraisal](#)

[Proposal](#)

The application proposes a two storey front extension with first floor cantilever balcony, a single storey rear extension and a side gable feature extension. The renovations to the dwelling include recovering the roof and the inclusion of roof windows. The application site lies within the settlement development boundary of Harwich, Dovercourt, Parkeston & Little Oakley.

The name of the house has been recently changed with the land registry, to 'Waters Edge' and the new name plate appears on the front wall. The house was previously known as Froghoppers.

[Design and Appearance](#)

The two storey front extension projects 4.6 metres from the front of the existing principal elevation with an additional 2 metre deep cantilever balcony. The previously approved planning application reference 24/00013/FULHH approved the same front extension at 4.6 metres in depth and of the same height and depth. By using a cantilever design for the balcony reduces bulk that may otherwise have occurred if supported by walls. A frameless glass balustrade to the balcony allows light through and panoramic views of the coastline.

The front extension proposal introduces the onlooker to a palette of materials that will be used throughout the renovation of the house to create a contemporary form of modern living. The materials named in the application form state Cedral thrutone fibre cement blue/black slate, rendered walls, copper coloured aluminium, cladding and aluminium windows with vast areas of glazing and aluminium doors. It is noted that the cladding is not specified and the plans are annotated 'colour to client specification' for some materials. In addition, the garage door design or material is not known. In order to secure high quality materials for the construction and finish of the remodel of the dwelling it is considered reasonable and necessary to impose a condition on the grant of planning permission requiring the details of the external finish materials to be submitted and agreed. The use of high quality modern materials will result in a vast change to the appearance of the existing dwelling which although does not match the red brickwork and painted render with white timber/UPVC framed windows of neighbouring dwellings, constructs a character of its own and exemplifies qualities of modern design.

The few properties along this section of Lower Marine Parade take on different design features defined largely by their age and the age of the alterations to them and although the principal elevations of the properties of Neptune Lodge, Chalcombe, Waters Edge, Brereton and Fortrose appear in line, this is only one similarity between the dwellings which benefit from differing plot sizes and house styles that distinguish them. One recently completed dwelling northeast of the bungalow Valens, presents a unique dwelling with a unique use of materials, not typically seen in the immediate area. It is sited forward of the so called building line by way of the smaller plot size, as is the proposed dwelling on the plot next door to that.

The proposed single storey rear extension will replace the existing conservatory using the same footprint and finished in vertical cladding. A roof canopy will extend 1.472 metres from the rear extension to create an outside covered area, the same as approved under application reference 24/00013/FULHH.

The side gable feature extension mainly extends the roof structure to provide a larger space internally and replaces the existing side facing dormer window. The footprint of the dwelling only extends as much as is required for the coloured framing detail. The side gable creates a feature entrance and additional light into the middle of the house of the same scale, size and design as approved under application reference 24/00013/FULHH. One roof light, which serves a bedroom, has been added to this north eastern roof slope, while two long windows which start in the north eastern roof slope, cut through the eaves and finish on the north eastern side elevation serve the open plan living area in the extended part of the house at the front.

The lower ground floor garage will remain, however the existing two garage doors will be removed and replaced with one large garage door.

The design and scale of the proposals is acceptable and would result in no material harm to visual amenity.

Impact upon Residential Amenity

The two storey front extension and balcony at its closest is a distance of 3.2 metres to the south western side boundary shared with Challacombe and a distance of 4.3 metres between the proposed front extension and the dwelling of Challacombe itself. As the front projection extends in a south easterly direction it becomes further away from the side boundary and thus further away from Challacombe due to the orientation of the dwellings. Due to the proximity of the front extension and balcony to this neighbour there is the potential for four windows to be affected, ground floor front lounge window, first floor front bedroom window, second floor roof light and second floor side facing window, the sunlight/daylight calculations specified in the Essex Design Guide have been applied and are dealt with in turn below.

Even with the addition of the balcony the 45 degree line would not intercept the ground floor front lounge window, first floor front bedroom window and balcony or the second floor roof light in plan or elevation and, therefore, any loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The 45 degree line would intercept the second floor side facing window serving the second floor bedroom of Challacombe in plan, however the 45 degree line would not intercept this window in elevation. The loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The proposal will cause no increased impact in terms of loss of light to the other side facing windows, nearer to the rear of the dwelling of Challacombe than from the existing dwelling because of the orientation of the buildings.

It is noted that the south western side facing window serving bedroom 3 is increased in size compared to the originally approved planning application reference 23/00179/FULHH where a high level window was proposed. This larger window will be finished in obscure glass and have restricted opening to avoid direct overlooking of the property of Challacombe. It is considered reasonable and necessary to impose a condition on the grant of planning permission to secure the requirements of this particular window.

The two storey front extension and balcony is a distance of 3.5 metres to the north eastern side boundary shared with Brereton and a distance of 9.5 metres between the dwellings themselves. It is evident that the bungalow of Brereton lies at a higher ground level than the dwelling of Waters Edge ensuring there will be no significant impact in terms of loss of light to this neighbour.

One new rooflight will be inserted on the north eastern roof slope which serves a bedroom and is not considered to be in constant use or lived in during the day. Two further long roof windows, which cut through the eaves of the north eastern roof slope and side elevation, serve the open plan living area, however these are positioned in the new extension and have views in front of the neighbouring dwellings, furthermore the enhanced glazed entrance gable allows light into the stair

well and landing ensuring no significant overall risk of overlooking to the immediate neighbour of Brereton.

To prevent overlooking and loss of privacy to the neighbouring properties the front balcony includes 1.8 metre high obscure glazed panels to both sides for the full depth of the balcony. A condition will be imposed on the grant of planning permission securing the side panels.

It is acknowledged that the front extension and balcony proposal will be visible from neighbouring properties however the distance of the proposals to the neighbouring properties and orientation of the dwellings ensures that the outlook of neighbours will not be significantly harmed and the proposal is not considered to have a significant overbearing impact.

There will be ample parking at the property, the double garage meets the parking standards for such which measures 5.5 metres x 7 metres internally. In addition, there is sufficient space for parking and turning in front of the house.

More than 500 square metres of private amenity space remains following construction of the proposal which is considered more than adequate.

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 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

Harwich Town Council have acknowledged objections made against the application and requests that if they are valid and accurate the application is refused.

Four letters of objection have been received and they raise the following concerns:

1. Proposed balcony brings building forward of the prevailing building line disrupting the street scene and creating disharmony/discord with its neighbouring properties
2. Dominating and overbearing impact on our property
3. Reducing the light and negatively impacting the outlook from our property
4. The loss of light to the ground floor bay window contradicts the 45 degree rule
5. Balcony causes loss of privacy
6. Not in keeping with area and out of character
7. Large dwelling
8. Obstruct neighbours outlooks
9. The proposed plans have very little detail of the finish in many parts of the plans which leads to
10. great uncertainty with the plans annotated 'to client specification'.
11. Should this application be approved, the situation would exist whereby the applicant would have three different approvals providing the opportunity for the applicant to "pick and mix" in a manner that is currently unforeseen

Points 1 to 10 have been addressed in the Officer's report.

Point 11 - The applicant may choose to implement any one of the approved schemes however they may not mix and match elements of each scheme. If there is doubt that the applicant is not building out a proposal in accordance with the approved plans contact should be made with the Council's Planning Enforcement team who will conduct an investigation into any matters raised.

No other letters of representation have been received.

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.

The approved red line plan drawing is DRAWING NUMBER 1.3 REV B received 8 August 2024.

DRAWING NUMBER 1.2 REV C

DRAWING NUMBER 1.5 REV 00

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 AND RESTRICTED OPENING WINDOW

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 serving bedroom 3 in the south western elevation shall be fitted with a window opening restrictor, restricting the opening of the window to a maximum of 100mm and glazed in obscured glass before the development hereby permitted is first occupied 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.

4 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLAZED BALCONY SCREEN

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the hereby approved balcony shall be glazed in obscure glass to a height of 1.8 metres on the north eastern and south western sides, as shown on DRAWING NUMBER 1.2 REV C, prior to the balcony's first use and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass or Etched Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of the neighbouring properties.

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.

5 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing materials, roofing materials and garage door to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity Enhancements 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
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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	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application?	YES	NO
No Declarations Of Interest Made		