

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	02/01/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	MP	03/01/2025
Assistant Planner final checks and despatch:	ER	03/01/2025

Application: 24/01647/FULHH **Town / Parish:** Little Clacton Parish Council

Applicant: Mrs Danielle Pisani

Address: 44 St Osyth Road East Little Clacton Essex

Development: Householder Planning Permission - Conversion and alteration of external store to form habitable space and single storey extension to link to main dwelling. Single storey rear extension (following removal of existing outbuilding).

1. Town / Parish Council

Little Clacton Parish Council No comments received

2. Consultation Responses

Not Applicable

3. Planning History

24/01647/FULHH Householder Planning Permission - Current Conversion and alteration of external store to form habitable space and single storey extension to link to main dwelling. Single storey rear extension (following removal of existing outbuilding).

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 2024 ([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 north-western side of St Osyth Road and consists of a two storey semi-detached dwelling which faces south-east. The site is partially separated from the highway via a low brick wall behind which is a mix of hard and soft landscaping. The rear garden is a similar mix of landscaping with a large brick wall along the south-western boundary whilst close board fencing is sited on the north-eastern boundary. The site lies within the Settlement Development Boundary for Lt Clacton (North) and within Flood Zone 2.

Proposal

This application seeks planning permission for the conversion and alteration of the external outbuilding located to the side of 44 St Osyth Road, to form a habitable space, and also a single storey extension to link the outbuilding to the main dwelling. Additionally, the proposal seeks permission for the erection of a single storey rear extension, following the removal of the existing outbuilding.

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, design and materials.

Both the proposed conversion of the outbuilding and the side infill extension will be noticeable from the public way. However, they are considered minor in nature with the only visible alterations being the replacement of the existing opening on the outbuilding for 1no. window whilst the front façade of the proposed infill extension has a maximum height of 3m and maximum width of 1m. Because of this and there being an acceptable set back distance of 8.6m from the proposal to the edge of the highway, the impact posed by these elements are considered to pose no significant degree of harm to the visual amenities. The rear of the outbuilding seeks to replace an existing window with a larger one, whilst the rear of the infill will consist of an external door. As these elements aren't visible to the public and are de minimus in nature there will be little visual harm posed.

The proposed extension being located to the rear of the host dwelling will be completely screened from views from the street scene and will therefore pose it no harm. The proposal is considered modest in size being single storey in nature with a flat roof design. The size of the proposal is considered an acceptable addition that does not appear incongruous to the host dwelling, whilst the rear garden is deemed to be of a sufficient size to be able to accommodate the proposal and still retain adequate private amenity space.

Both the side infill and rear extension will be finished in a red facing brickwork with the front of the infill together with the front of the outbuilding being painted white whilst the rear of the outbuilding will be covered in a light-coloured render. Additionally, uPVC windows and aluminium bi-fold doors will be inserted into the proposals. The materials proposed will match those of the host dwelling, helping tie the development in with the main property which will significantly reduce any potential harm the proposal may have upon on the visual amenities of the area. As a result of the above, the proposals are considered to pose no detrimental impact to either the street scene or visual amenities of the area to warrant refusal of this application.

Impact to Neighbours

The NPPF, Paragraph 135, 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 site adjoins the properties known as 42 St Osyth Road to the north-east and, 46 St Osyth Road to the south-west. The conversion of the outbuilding and the side extension infill being single storey in nature and devoid of any openings along the side elevation are unlikely to pose any harm to the neighbours to the north-east, whose openings on the side elevation at ground floor level are already partially overshadowed by the close proximity of the existing outbuilding and host dwelling. Though there is a lack of harm to the neighbours, the proposal seeks to install a velux window into the roof of the outbuilding which will serve a bathroom, and which will be overlooked by an existing first floor window on the side elevation of the neighbouring dwelling. As such, and to protect the privacy of the applicant, a condition will be placed on the windows to ensure it is obscure glazed and non opening.

The rear/side extension is single storey in nature having a modest height of 3m which will be adequately screened by the existing shared boundary wall. Further, there is a lack of openings on the side elevation facing 46 St Osyth Road, therefore it is envisioned there will be no loss of privacy or outlook to the neighbours to the south-west. Due to the proposal's height, depth and proximity to the neighbouring property, the 45 degree daylight test has been undertaken. Whilst the single storey rear extension fails in plan, it passes in elevation so passes the combined test and a refusal on the grounds of loss of daylight cannot therefore be justified. Additionally, due to the orientation of the host and neighbouring dwellings and the design of the buildings, the partially enclosed area of amenity space to the rear of 46 St Osyth Road which will be slightly overshadowed by the single storey dwelling, is heavily screened by the bulk of the host and neighbouring property, which greatly limits the amount of daylight from entering this area. As a result of this, a refusal based on loss of light cannot be justified.

Flooding Risk

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, Local Plan Policy PPL1 states all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Within the Flood Zone, development proposals must be accompanied by a Flood Risk Assessment.

Although no Flood Risk Assessment has been submitted with the application, the Government advice states that for householder extensions the proposed floor level cannot be any lower than the existing (or 300mm above the estimated flood level) which in this instance it will not be, therefore the proposal is compliant with this and will not increase the risk of flooding. The Government guidance adds that flood resistant materials should be used up to at least 300mm above the estimated flood level to speed recovery in case water gets in; an informative has been added to this effect.

Taking into account the above, Officers conclude that whilst the site falls within Flood Zone 2, the proposed extensions will not have an adverse impact on the existing dwellings resistance to flooding and will also not increase the likelihood of flooding. No objections are therefore raised in this regard.

Other Considerations

Little Clacton Parish Council have submitted no comments.

1 letters of representation has been received expressing the following concerns:

- Loss of Light and Overshadowing. *(This has been addressed in the above report.)*
- Overbearing Design and Privacy Loss. *(This has been addressed in the above report.)*
- Impact on Residential Amenity. *(This has been addressed in the above report.)*
- Reduction in Property Value. *(This is not a material planning consideration.)*
- Noise Impact. *(This matter would need to be raised with our Environmental Protection Team.)*

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 / Reasons for Refusal

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. 0243-A-001
- Drawing No. 0243-A-002
- Drawing No. 0243-A-200

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 NON 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 velux window in the roof of the converted outbuilding which serves a bathroom shall be non opening 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.

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>.

Flood Zone 2/3 Informative

Flood resistant materials should be used up to at least 300mm above the estimated flood level to speed recovery in case water gets in.

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? No Declarations Of Interest Made	YES	<u>NO</u>