

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	JJ	18/03/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	19/03/2025
Assistant Planner final checks and despatch:	ER	19/03/2025

Application: 24/01789/FULHH **Town / Parish:** St Osyth Parish Council

Applicant: Mr Terrance Eldridge

Address: 3 Eastern Promenade St Osyth Clacton On Sea

Development: Householder Planning Application - Side and rear extensions, raising of the roof and cladding to the exterior.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

No consultations required for the assessment of this application.

3. Planning History

14/01487/FUL	Erection of first floor front elevation extension on steel post supports.	Refused	16.12.2014
21/01585/FUL	Proposed replacement dwelling following demolition.	Approved	02.12.2022

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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 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
LP3 Housing Density and Standards
LP4 Housing Layout

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:

[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two-storey detached property located to the Northeast of Eastern Promenade and the Southwest of Mersea View, Point Clear. The site is located outside of any defined Settlement Development Boundary for the area but is located in a well built-up area predominantly characterised by residential dwellings. The site is also located within Flood Zones 2 and 3.

Mersea View to the north of the property, adjacent to the sea front, is a Public Right of Way.

Proposal

The application seeks planning permission for the proposed side extension, raising of the roof and cladding to the exterior.

Assessment

1. Visual Impact

The proposed works will be clearly seen from the street scene of Eastern Promenade and Mersea View, it will also be partially seen from the street scenes of Point Clear Road, Roman Way and Seaview Terrace. The proposal will be finished with grey cement cladding to all elevations, this will be similar to the existing grey pvcu cladding so will not look out of character with the area.

The proposed roof will be finished with Grey Slate Tiles, this is different from the existing felt roof, however the properties along the Eastern Promenade have a variety of roof finishes include slate tiles, so this would not look out of place within the street scene.

The proposed side extension is small in size and due to the recladding of the whole property the extensions will blend effortlessly with the existing dwelling.

The proposed raising of the roof includes changing the orientation of the roof. The existing roof has a gable end to the rear elevation facing Eastern Promenade and a gable end with an attached lower flat roof to the front elevation facing Mersea View. The new proposed roof is higher than the existing and will appear to face the opposite direction with the gable ends now at the side elevations. Although this will be a significant change to the appearance of the property, Eastern Promenade and Mersea View feature a mixture of different properties with various roof designs, the proposal would therefore be in keeping with the character of the street scene.

2. Impact to Neighbours

The proposed extension is located to the side of the property close to the neighbouring property known as 4 Eastern Promenade. Although the extension is close to the boundary it will not cause a significant loss of light, outlook or amenity to the neighbouring property due its small size. The extension includes a window and door to the side elevation that will face towards the neighbouring property, this may cause some loss of privacy, however the room with the new window is to be used as a bedroom so will be little used during daytime hours, the original dwelling also included a window to this side elevation. The proposed door is for access to a small decking area that is fenced off with a 6ft garden fence. The decking area is a common feature within the locality providing views over the public promenade and beach. The loss of privacy would not be so significant to justify refusing planning permission on these grounds.

The proposed raising of the roof changes the property height from 5.7m to 7.3 metres, this may impact the light to the neighbouring properties windows, however due to the distance between the properties this would not be considered so harmful as to justify planning permission on these grounds. Moreover, the facing windows on no. 2 Eastern Promenade, which are the closest to the application property, face northwest and therefore at present receive little natural light. Therefore, given the orientation of the properties and the scale and siting of the proposed changes to the application property, the development would not significantly harm the light or outlook the neighbouring properties currently receive or cause any materially harmful loss of privacy.

3. Flood Zone

The application site is located within National Flood zones 2 and 3. The Gov.uk advice for flood risk and coastal change identifies those minor developments, including householder developments such as the current proposal, are unlikely to raise significant flood risk issues. Policy PPL1 states that development proposals must be accompanied by a Flood Risk Assessment. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level. A flood risk assessment has been submitted with the application; however, this relates to the previously approved planning permission 21/01585/FUL. The proposed extension will be an addition to the property, the ground floor level is to be used as an extension to the garage and first floor level as an extension to two of the bedrooms. The proposed first floor extension will be providing further refuge in the event of a flood.

4. 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.

Other Considerations

The proposed extension includes the enlargement of the existing garage, this will increase the onsite parking provision whilst still providing ample parking space to the front of the property.

St Osyth Parish Council have made no objections to the proposal. No other letters of representation have been received.

Conclusion

The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm, the proposal 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).

Site Plan - Rec'd 03.12.24
Proposed First Floor Plan - Rec'd 12.12.24
Proposed Front Elevation - Rec'd 11.12.24
Proposed Ground Floor Plan - Rec'd 11.12.24
Proposed Left Elevation - Rec'd 11.12.24
Proposed Rear Elevation - Rec'd 11.12.24
Proposed Right Elevation - Rec'd 11.12.24
Proposed Roof Plan - Rec'd 11.12.24
Amended Block Plan - Rec'd 23.01.25
Planning Statement - Rec'd 03.12.24

REASON: For the avoidance of doubt.

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.

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.

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:

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

Has there been a declaration of interest made on this application?		NO
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