

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	25/07/2018
Planning Development Manager authorisation:	SCE	27.07.18
Admin checks / despatch completed	YLR	27/07/18

**Application:** 18/00782/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Steven Hrouda

**Address:** 103 Saville Street Walton On The Naze Essex

**Development** Proposed ground floor and first floor rear extensions and re-roofing of dwelling.

### 1. Town / Parish Council

Frinton & Walton Town Council Recommend approval

### 2. Consultation Responses

N/A

### 3. Planning History

18/00782/FUL Proposed ground floor and first floor rear extensions and re-roofing of dwelling. Current

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018  
National Planning Practice Guidance

Tendring District Local Plan 2007  
QL3 Minimising and Managing Flood Risk  
QL9 Design of New Development  
QL10 Designing New Development to Meet Functional Needs  
QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL3 Sustainable Design  
PPL1 Development and Flood Risk

Local Planning Guidance  
Essex Design Guide

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three



'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is located to the west of Saville Street, inside the development boundary of Walton on the Naze and inside an urban regeneration area. It is the last property in the street and is also located within Flood Zone 3. The site serves an end of terrace property constructed of pebble dash render with a slate roof. There is a change in levels at the site resulting in concrete steps leading to the front door. The rear garden has an outbuilding and greenhouse and is currently overgrown. A garage is located to the north side of the site; aside from this there is no off road parking evident at the site.

### **Proposal**

The application proposes a ground floor and first floor extension to the rear of the property, incorporating the re-roofing of the entire house from slate to concrete tiles.

The ground floor extension replaces the existing 'privy' and is an L-shape extension to square off the ground floor of the property. The extension extends 1.1m from the rear of the property directly adjacent to the neighbour and a maximum of 4m on the other side. It extends the full width of the property which is 4.3m and has a monopitch roof measuring 2.3m to eaves with a maximum height of 3m (from finished floor level).

The first floor extension does not extend any further than the existing rear elevation but squares off the first floor with an extension that measures 3m deep by 1.7m wide. This extension includes the formation of a pitched roof to the rear of the property with eaves height of 4.5m and ridge height of 6.6m (from finished floor level). A window is also being inserted into the rear elevation at first floor level to accommodate a bedroom following the reconfiguration of the first floor layout. A 5m tall (measured from finished floor level) parapet wall is also proposed adjacent to the neighbour.

The development will be constructed with rendered masonry to match the existing property.

### **Representations**

Frinton and Walton Town Council recommend approval for the application.

Two objections have been received from the adjacent neighbour raising the following concerns:

- Encroachment onto land (Civil matter)
- Construction concerns (Not a planning matter)
- Drainage and flood risk (See officer report)
- Roof design (See officer report)
- Loss of light (See officer report)

The same neighbour also requested clarification over the amended plans, which the agent provided via e-mail dated 19 July 2018 16:54.



## Assessment

The main considerations of this application are design, impact on residential amenity and flood risk.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

## Design

The proposed extensions are considered to be of a scale and nature appropriate to the site and the surrounding area. The extensions are located to the rear of the property so there will be no views of the extensions from the road, resulting in no impact upon the street scene. The existing roof arrangement has a variety of roof lines ranging from pitched, flat roof and monopitch roof. Through amendments to the application the proposed extensions now create a hipped roof over the first floor element and a monopitch roof to the single storey extension, both of which are considered to create a visual improvement to the property. Furthermore, the change from slate to concrete tile will match other properties within this row of terraces and the proposed rendered masonry will match the existing dwelling. The development as a whole is considered to be acceptable in design terms.

## Impact on Residential Amenity

The application as originally submitted failed the 45 degree rule for sunlight/daylight contained within the Essex Design Guide. The extension originally extended 1m from the rear elevation at first floor level, which would have blocked natural light to a rear bedroom for the occupiers of adjacent property, No. 101 Saville Street. Through amendment to the application the first floor extension no longer extends beyond the rear elevation at first floor level, but instead 'squares off' the first floor of the property and is located away from the neighbour. This now results in no adverse impact in terms of loss of light for the occupiers of 101 Saville Street.

The insertion of the first floor window on the rear elevation will give views towards the rear gardens and is not considered to cause any significant adverse impact on the occupiers of neighbouring property.

The neighbour raised concern over drainage at the site. The agent has confirmed that the proposed parapet wall included adjacent to the neighbour is to protect the boundary so that rainwater does not discharge from the pitched roof to the adjacent property.

The single storey rear extension, albeit a larger footprint and taller than the existing privy that it replaces, is a modest addition that is not considered to adversely affect neighbouring property.

## Flood Risk

Policy QL3 of the Tendring District Local Plan (2007) states that the Council will ensure that flood risk is taken into account, and that all planning applications for development in Flood Zone 2 & 3 will require a Flood Risk Assessment.

The site is located within Flood Zone 3. A Flood Risk Assessment has been provided which states that precautions against flooding will be taken in line with the Environment Agency's standing advice.

The proposed extensions create a WC and utility room at ground floor level and an additional bedroom at first floor level. The development, subject to compliance with the Flood Risk Assessment, is in accordance with Environment Agency advice and is therefore acceptable in terms of flood risk.



Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

**6. Recommendation**

Approval - Full

**7. Conditions**

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1 Revision C received 13 July 2018.

Reason - For the avoidance of doubt and in the interests of proper planning.

**8. 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO