

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	08/08/2018
Planning Development Manager authorisation:	SCE	09.08.18
Admin checks / despatch completed	SK	09/08/18

Application: 18/00939/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Gallagher

Address: 55 Woodberry Way Walton On The Naze Essex

Development Proposed rear orangery.

1. Town / Parish Council

Frinton and Walton Town Council Recommends approval.

2. Consultation Responses

N/A

3. Planning History

04/02420/FUL Proposed alterations and 2 storey rear extension Approved 16.02.2005

18/00939/FUL Proposed rear orangery. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018
National Planning Practice Guidance

Tendring District Local Plan 2007
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 east of Woodberry Way, inside the development boundary of Walton on the Naze. The rear boundary of the site is adjacent to the Frinton and Walton Conservation Area. The site serves a detached two storey dwelling, constructed of red brick at ground floor and render at first floor with a tiled roof. The dwelling already benefits from a two storey extension approved and built under reference 04/02420/FUL. The rear garden has areas of grass and patio with 1.8m fencing on the boundaries and some areas of planting. The site has a small frontage with an area for parking.

Proposal

The application proposes a rear orangery to extend from the extension approved under reference 04/02420/FUL. The orangery will measure 3m deep by 7.2m wide and will have a flat roof with a height of 2.7m and a central glass lantern giving a maximum height of 3.3m. The extension will be constructed of brickwork to match the existing and will have large bi-fold doors across the rear elevation.

Representations

Frinton and Walton Town Council recommend approval for the application.

One letter of objection has been received from the neighbour to the south, No. 57 Woodberry Way raising the following concerns:

- Position of windows/loss of privacy (see officer report)
- Glass lantern will cause glare from sunlight into property (see officer report)
- Scale of development (see officer report)
- Depth of footings (Building Control matter)

Assessment

The main considerations of this application are the design, impact on the adjacent conservation area and the impact on residential amenity.

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 and Impact on Adjacent Conservation Area

The proposed orangery extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The dwelling has already been extended by a two storey rear extension, which the orangery will extend off of. However, the site will still benefit from a good

sized garden. Furthermore, the single storey design, with a roof height of only 2.7m and use of brickwork to match the existing dwelling will not result in a development that is considered to be out of character or visually imposing from neighbouring property. The development will not be visible from the road so there will be no impact of the development on the street scene.

Policy EN17 states that development will be refused for development located outside a Conservation Area if it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views. The conservation area is located adjacent to the rear boundary of the site. The proposed extension will be located over 14m from the rear boundary. Fencing and tall conifer trees block any views of the extension and the modest nature of this residential extension results in no adverse impact on the adjacent conservation area.

Impact on Residential Amenity

The single storey extension will be located 1.1m from the boundary to the south and 2.5m from the boundary to the north and the flat roof will measure 2.7m in height. No. 57 Woodberry Way, the neighbour to the south, has raised concerns over sunlight glare from the glass lantern. The lantern will give an overall height of 3.3m and will reach its highest point approximately 3m from the neighbouring boundary of No. 57. The proposed extension, and in particular the glass lantern, is considered to be an adequate distance from No. 57 Woodberry Way, plus being located to the north of this neighbour would not cause any significant adverse impact that would be significant enough to warrant the refusal of planning permission.

Concern was also raised over the position of the windows in the side elevation and a loss of privacy to the house and garden of No. 57 as a result. The boundary with this neighbour consists of a 1.8m close boarded fence. The windows will face onto this fence and will not give views into the neighbouring property. The development is therefore not considered to cause any loss of privacy to this neighbour; and imposing a condition for this window to be obscure glazed would be considered unnecessary.

The single storey, modest orangery extension is not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

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, titled:
 - Block Plan Scale 1:500 @ A4;
 - Proposed Layout Scale 1:100 @ A4 Gallagher Page 7;
 - Proposed Roof Layout Scale 1:100 @ A4 Gallagher Page 8;
 - Proposed Elevations Scale 1:100 @ A4 Gallagher Page 5; and,
 - Proposed Elevations Scale 1:100 @ A4 Gallagher Page 6.

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 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.

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