

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	13/09/2018
Planning Development Manager authorisation:	SCE	17.09.18
Admin checks / despatch completed	PN	18/9/18

Application: 18/01209/FUL **Town / Parish:** Frinton & Walton Town Council *ER*

Applicant: Mr & Mrs Scott

Address: 10 Pole Barn Lane Frinton On Sea Essex

Development Proposed alterations & extensions.

1. Town / Parish Council

Frinton & Walton Town Council Recommends approval

2. Consultation Responses

Tree & Landscape Officer The land immediately adjacent to the application site is affected by Tendring District Council Tree Preservation Order 99/18/TPO that affords formal legal protection to a group of Lime trees.

The demolition of the existing conservatory and construction of the proposed extension will increase the separation distance between the building and the protected trees.

Taking into account the distance between the trees and the extension as well as the maintenance regime to which the trees have been subjected it is considered that the development proposal will not have an adverse impact on the health or viability of the protected trees.

3. Planning History

02/01540/FUL	Demolish existing garage and erect lounge extension.	Approved	30.09.2002
18/01209/FUL	Proposed alterations & extensions.	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
HG9 Private Amenity Space

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 north of Pole Barn Lane, inside the development boundary of Frinton on Sea. It serves an irregular shaped detached two storey dwelling constructed of light blue render with white boarding to the front gables with a tile roof and a large conservatory to the rear. The front of the site has an open front boundary with an in and out paved driveway, parking for at least 2 no. cars and areas of grass. The rear of the site has a large garden area which is predominantly laid to lawn with areas of patio and fencing/planting on the side and rear boundaries. On the eastern boundary of the site are an Elder and some Lime trees which are subject to a Tree Preservation Order, reference 99/00018/TPO. Plus, the Frinton and Walton Conservation Area is adjacent to the front (southern) boundary of the site.

Proposal

The application proposes a single storey rear extension following the removal of the existing conservatory. The extension measures 5.5m deep by 6.5m wide, with a shallow pitched roof, with eaves height of 2.8m and ridge height of 3.85m. It will be constructed of render to match the existing dwelling and will have a slate roof and include 4 no. roof lights in the roof slopes.

Some alterations to the fenestration of the existing dwelling is also shown on the proposed plans, including increasing the size of the existing lounge window on the east side elevation and altering the opening on the west side elevation to create a lobby area.

Assessment

The main considerations of this application are the design, impact on protected trees 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

The proposed development is considered to be of a scale and nature appropriate to the site and the surrounding area. The development includes the removal of a conservatory which is located off centre from the dwelling. The proposed extension is a similar size to the conservatory but will be relocated further to the west to align with the existing dining room. The extension is considered to be of a design that is in keeping with the host dwelling; and which is an improvement to the existing built form in terms of appearance. The use of matching render will allow the development to blend with the existing dwelling and the shallow roof pitch allows for slate to be an acceptable material. Due to the positioning of the extension there will be no views of the extension from the road resulting in no impact upon the street scene or the conservation area which is located adjacent to the front (southern) boundary of the site.

Impact on Protected Trees

The eastern boundary of the site is subject to Tree Preservation Order 99/00018/TPO. The Council's Tree and Landscape Officer was consulted on this application due to the positioning of the protected trees within the site, and their proximity to the proposed development. It was confirmed that the extension will increase the separation distance between the building and trees and that the proposal would not have an adverse impact on the health or viability of the protected trees. No objection was raised and the proposed development is therefore considered acceptable in this regard.

Impact on Residential Amenity

The proposed extension will be located 4m from the boundary with No. 12 Pole Barn Lane, to the west of the site, and 3.5m from the boundary with 8A Pole Barn Lane, to the east. The existing conservatory is located approximately 1m from the boundary with No. 8A Pole Barn Lane, so the development will increase the proximity of development from this neighbour. Fencing exists on the side boundaries and the rear facing gable design will result in the low eaves being the part of the extension closest to the neighbouring boundary. The 1.8m fencing will obscure any possible views of neighbours from the side windows within the extension and the proposed roof lights due to the shallow roof pitch will give views skywards. The development is a modest single storey extension that will improve the residential amenity for occupiers of 8A Pole Barn Lane and is not considered to cause any adverse impact on the daylight, privacy or other amenities currently enjoyed by any other neighbouring property.

The application site benefits from a large rear garden so sufficient private amenity space is retained for the occupiers of the property in accordance with Policy HG9.

Other Considerations

Frinton and Walton Town Council recommend approval for the application.

No letters of representation have been received.

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. SPL-01 Revision A.

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