

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	09/10/2018
Planning Development Manager authorisation:	SCE	10.10.18
Admin checks / despatch completed	ER	11/10/18

**Application:** 18/01463/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Ling

**Address:** 63 Frinton Road Kirby Cross Frinton On Sea

**Development:** Demolish existing garage and erection of detached garage. Ground floor extension with new room in roof. First floor extensions over existing flat roof, with new roof. Three new dormers to front elevation.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval

### 2. Consultation Responses

Not applicable

### 3. Planning History

03/01655/FUL	Alterations and extensions to existing dwelling	Approved	13.10.2003
91/00062/OUT	New bungalow and garage.	Refused	12.03.1991
18/01463/FUL	Demolish existing garage and erection of detached garage. Ground floor extension with new room in roof. First floor extensions over existing flat roof, with new roof. Three new dormers to front elevation.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018  
NPPG 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

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Local Planning Guidance

### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

### **Application Site**

The application site comprises of a north facing detached dwelling known as "63 Frinton Road." The dwelling is set back on its plot with an attached flat roof garage. Sited to the front is an existing driveway with two vehicular accesses and front boundary wall with pillars. Positioned to the rear is an existing canopy and two flat roof dormers and single velux window at first floor level. The site has a large rear garden with outbuilding and fencing along each neighbouring boundary.

### **Proposal**

This application seeks planning permission for the following

- Erection of garage following demolition of existing.
- Three dormer windows to the front elevation.
- Rear extensions at ground floor and first floor.

Upon initial receipt of the application the proposal included three pitched roof dormer windows to the front of the dwelling. As the area comprised of predominantly flat roof dormers any change to this was deemed out of keeping with the character of the area. It was considered that cat slide dormer windows would be better inkeeping with the host dwelling and area. Whilst this change was considered by the agent it was not practical in terms of keeping the house watertight. It was therefore agreed that flat roof dormer windows would be acceptable in order to accommodate the agents request. Amended plans have since been provided showing three flat roof dormer windows.

### **Assessment**

#### **Dormer Windows**

## Design and Appearance

The proposed dormer windows will be sited along the front elevation and will be consistent in design and size. The dormer cheeks will be finished in white boarding which would tie in with the white render already on the existing property. The use of boarding is already present within Frinton Road and would therefore not appear as a harmful feature.

The local area already comprises of a variety of chalet bungalows which have previously been enlarged by way of dormer windows none more so evident than that of the neighbouring dwelling of 61 Frinton Road which has two large dormer windows along each side elevation. Other properties within the area have more modest dormer windows which are more appropriate to their host dwellings. As a result of other dormer windows within the area and in their amended flat roof design it is considered that the proposed dormer windows would not appear as adverse features to appearance or character of the area.

## Impact on Neighbours

The proposed dormer windows will be sited to the front and would therefore have a harmful impact to the neighbouring properties.

## **Garage**

### Design and Appearance

The demolition of the existing garage will result in the proposed garage being publicly visible. The proposed garage will be set back from the front of the site by 19m with part of it being screened by the host dwelling. The proposed garage will be finished in render which will be consistent with the host dwelling and surrounding properties. As a result of its set back from the front of the site and use of matching materials it is considered that the proposed garage would not result in a harmful impact to the appearance or character of the dwelling.

### Impact on Neighbours

As a result of its design the proposed garage would not result in loss of privacy to the neighbours.

The proposed garage would be sited 10m from 65 Frinton Road and would therefore not result in a loss of light or outlook to this neighbour.

The neighbouring dwelling of 61 Frinton Road is set off of the boundary by 1m with the closest rear opening serving a bedroom. As a result of its positioning the garage will result in a loss of light to this neighbour and therefore the sunlight/ daylight calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would encompass the neighbouring dwelling however in elevation would only intercept through the lower section of its closest window. It is also noted that the boundary fence could also intercept this line before reaching the dwelling. It is therefore considered that the loss of light is not so significant to refuse planning permission on.

The proposed garage will result in a loss of outlook to this neighbouring properties rear bedroom window. Whilst there will be a reduction in outlook from this window the proposed garage will have a low eaves height of 2.8m and will be partially screened by the existing boundary fencing. It must also be noted that under permitted development this fence could be increased to 2m in height to screen more of the proposal. As a result of potential screening and as the room most adversely affected is a bedroom and not a primary living area it is considered the loss of outlook is not so significant to justify refusing planning permission on.

## **Extension**

### Design and Appearance

The proposed extension will be sited to the rear and therefore not publicly visible.

The size of the proposal is appropriate to the existing house and will not over dominate it.

The proposed extension will be finished in render and boarding. Whilst boarding is not currently present on the host dwelling it is a material which is present within the local area and as the proposal will be screened by the existing house and not publicly visible the use of this material

would not have a harmful impact to the appearance of the existing dwelling or area. The existing dwelling is finished in render and therefore the use of render would be inkeeping with the host dwelling.

The design of the proposed enlargement comprises of two gable ends with a flat roofed infill at first floor level. As the existing dwelling is of a linear design the introduction of such an extension would not be inkeeping with that of the host dwelling. However as the proposal is sited to the rear and not publicly visible it is not considered to have a harmful impact to the appearance or character of the dwelling when viewing the property from Frinton Road. It is also noted that the neighbouring dwellings of 65 and 61 Frinton Road have also previously been extended in similar ways with large rear gable facing enlargements which do not match the overall design of their host dwellings which are not visible from Frinton Road.

The site is of a sufficient size to accommodate the proposal and still retain sufficient private amenity space.

#### Impact on Neighbours

The neighbouring dwelling of 63 and 65 Frinton Road are of a different design to the host dwelling and therefore are set further back on their plots. Both of these neighbouring dwellings have a greater depths than the host dwelling. As a result of the difference in design and siting of the neighbouring dwellings the proposal would not protrude beyond of either of their rear elevations and would therefore not result in loss of light or outlook to the rear openings of these neighbouring dwellings.

61 Frinton Road sited to the west of the site has two large dormer windows approved under planning permission 16/00895/FUL. The dormer windows has two openings which face onto the host dwelling and as a result of the proposal will receive a reduced level of light and outlook. As these openings already look onto the host dwelling they already received minimal light and outlook and therefore this impact is considered not so significant to refuse planning permission upon. It is also noted that the proposal will be 4.5m from this neighbouring boundary which would further reduce its impact.

The existing dwelling has three openings to the rear at first floor level already in situ. The proposal incorporates three openings along its rear elevation which will serve two bedrooms and an ensuite. As existing windows are already present on the host dwelling which overlook the neighbouring properties rear garden it is considered that the loss of privacy in this instance is not so significant to refuse planning permission upon.

#### Highway Safety

Whilst the proposal includes the demolition of the existing garage there is sufficient space to the front of the site for the parking of two vehicles in line with the Essex County Council Parking Standards to prevent the proposal from having a harmful impact in terms of highway safety.

#### Other Considerations

Frinton and Walton Town Council have no objections to the proposal. No letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed 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: TDC-0818-2-1 Revision A and TDC-0818-2-2.

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.