

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	23/10/2018
Planning Development Manager authorisation:	SCE	23.10.18
Admin checks / despatch completed	ER	24/10/18

ME

Application: 18/01547/LUPROP **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Gold

Address: 17A Raglan Road Frinton On Sea Essex

Development: Proposed single storey rear extension.

1. Town / Parish Council

Frinton and Walton Town Council Noted

2. Consultation Responses

Tree & Landscape Officer

There are no trees on the application site that are likely to be affected by the development proposal.

Within the curtilage of the adjacent property, 19 Raglan Road, there are two small trees, a Hawthorn and a Gleditisia. Although both can be 'glimpsed' from the public highway neither has high visual amenity value, nor are they likely to be adversely affected by the development proposal.

No additional information required.

3. Planning History

07/01743/OUT	Erection of detached dwelling and alterations to existing vehicular access (following partial demolition of existing building).	Approved	11.02.2008
11/00009/OUT	Erection of detached dwelling and alterations to existing vehicular access (following partial demolition of existing building). (Extension of time on previously approved 07/01743/OUT).	Approved	03.03.2011
12/01310/DETAIL	Erection of detached dwelling and alterations to existing vehicular access (following partial demolition of existing building).	Approved	05.03.2013
13/00349/DISCON	Discharge of condition 2	Approved	30.04.2013

(materials), 3 (hard landscaping) and 5 (screen walls and fences) of planning permission 12/01310/DETAIL - FOR INFORMATION ONLY.

18/01547/LUPRO P	Proposed single storey rear extension.	Current
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4. Relevant Policies / Government Guidance

Not applicable

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises of a south east facing two storey detached dwelling known as "17A Raglan Road."

Description of Proposal

This application seeks the issuing of a Lawful Development Certificate for the proposed development of a single storey rear extension.

The application was originally received as a FUL application however when the officer carried out their assessment the proposal fell into the remits of permitted development. Amended forms have since been provided by the agent and the application has since been changed to a Certificate for Proposed Lawful Development.

A lawful use certificate is, 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes'.

Main considerations are;

- Planning History;
- General Permitted Development Order
- Conclusion.

Planning History

The application dwelling was erected under planning permissions 07/01743/OUT, 11/00009/OUT and 12/01310/DETAIL. These permissions contained no restrictive conditions to alter the dwellings and therefore its permitted development rights are still intact.

General Permitted Development Order

CLASS A - The enlargement, improvement or other alteration of a dwellinghouse

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Not applicable.

- (b) the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area covered by the proposal and existing buildings will not exceed 50% of the total area.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the proposed extension will not exceed the height of the highest part of the roof of the existing dwelling.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The eaves height of the proposed extension will not exceed that of the existing.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which
- (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposed extension will not extend beyond a wall which fronts a highway or forms the principal or side elevation of the original dwelling.

- (f) The enlarged part of the dwellinghouse would have a single storey and
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposed extension will extend beyond the rear wall by 3m and will be 3.3m in height.

- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposed extension will extend beyond the rear wall by 3m and will be 3.3m in height.

- (h) The enlarged part of the dwellinghouse would have more than one storey and would
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension is single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed extension is within 2m of the boundary and the height to the eaves will not exceed 3m.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
- (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (ii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension will not extend beyond a wall forming a side elevation to the original dwelling.

- (K) (j) It would consist of or include
- (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include the construction or provision of a veranda, balcony or raised platform or the installation, alteration or replacement of a microwave antenna, chimney, flue, or soil and vent pipe.

A.2

In the case of a dwellinghouse is on article (3) land development is also not permitted by Class A if

- (a) It would consists of or include the cladding of any part of the exterior of the dwellinghouse with, artificial stone, pebble sash, render, timber, plastic or tiles;
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The application site is not situated on article 2(3) land. The Conservation Area boundary from Frinton stops at the rear boundary of the site.

A.3 Conditions

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed materials will match those used in the host dwelling.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be
- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7metres above the floor of the room in which the window is installed; and

The proposal is single storey.

- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposal is single storey.

Other Considerations

Frinton and Walton note the application.

Tree and Landscape Officer has stated the trees on the site will not be adversely affected by the proposal.

No further letters of representation have been received.

Conclusion

It is therefore concluded that the proposed rear extension is permitted development and therefore a Certificate of Proposed Lawful Development can be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

N/A