

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	24/10/2018
Planning Development Manager authorisation:	SCE	25.10.18
Admin checks / despatch completed	KIQ SB	26/10/18.

**Application:** 18/01610/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr & Mrs Frost

**Address:** 5 Old Parsonage Way Frinton On Sea Essex

**Development:** Single storey rear extension approved under 18/00765/FUL, amendment to re instate balcony.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval

### 2. Consultation Responses

Not applicable

### 3. Planning History

01/00122/FUL	Demolition of redundant building and construction of three dwellings	Approved	28.03.2001
10/01209/FUL	Conservatory.	Approved	13.12.2010
18/00765/FUL	Single storey rear extension to replace existing conservatory.	Approved	27.06.2018
18/01610/FUL	Single storey rear extension approved under 18/00765/FUL, amendment to re instate balcony.	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  
HG9 Private Amenity Space

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 an east facing middle terraced dwelling 5 Old Parsonage Way. The dwelling is set back from the front of the site with an area for parking sited to the front. Located to the rear is an existing conservatory and fencing along each boundary.

### **Proposal**

This application seeks permission for the erection of a single storey rear extension 4m in depth, 2.8m in height with a roof lantern which will protrude 0.6m above the roof.

This application is a resubmission of an earlier scheme which sought permission for the erection of a single storey rear extension under 18/00765/FUL. The earlier scheme showed that the first floor balcony would be removed following completion of the proposal. This scheme proposes the same extension however would like to reinstate the balcony at first floor level.

### **Assessment**

#### **Design and Appearance**

The area comprises of a variety of detached and semi-detached dwellings with three terraced dwellings being a fairly recent addition to the area and approved under planning permission 01/00122/FUL. The dwellings are three storey and have integral garages to the front with dormer windows and balconies to the rear. The adjacent site of 7 Old Parsonage Way and the host dwelling already have existing conservatories to the rear.

The proposal will be sited to the rear and therefore not publicly visible from Old Parsonage Way.

The proposed enlargement is of a size and design which is appropriate to the existing house and will be constructed from materials which match the host dwelling.

There is an existing balcony to the rear and therefore its reinstatement would not alter the dwellings character and as it will be sited to the rear would not be publicly visible.

Saved Policy HG9 states that where a dwelling comprises of 3 or more bedrooms that a private amenity area of 100m<sup>2</sup> should be retained. The existing private amenity space to the site is 80m<sup>2</sup> and the proposed extension will match the footprint of the existing conservatory which will not reduce this any further. As the footprint of the enlargement will stay the same and as the existing private amenity space is already under the required amounts which still leaves a usable space it would be unreasonable to refuse planning permission on these grounds.

#### Impact on Neighbours

The neighbouring dwelling of 7 Old Parsonage Way has an existing conservatory to the rear with openings facing the application dwellings existing conservatory. These openings currently look onto existing glazing of the application dwellings rear conservatory and the introduction of a brick wall to accommodate the proposal will result in a loss of light and outlook from these windows. This neighbouring dwellings rear conservatory already has clear views to the rear of their garden and to the north of the site and as the proposal will not protrude past this neighbouring conservatory in terms of depth it is considered that the loss of light and outlook is not so significant to justify refusing planning permission upon.

As a result of the dwellings orientation the proposal would not result in a loss of light to 3 Old Parsonage Way sited to the south.

Due to its depth the proposal will result in a loss of outlook from this neighbours rear open plan kitchen and dining area which is served by two openings along the rear elevation. As these windows already receive little outlook as a result of the existing conservatory and as the proposed extension does not seek to increase the depth of the proposal it is considered that the loss of outlook in this instance would not be so significant so refuse planning permission on.

The proposal does not include any new openings to the side elevations and therefore it would not result in a loss of privacy to the neighbouring dwellings.

This resubmission seeks permission for the reinstatement of the balcony at first floor level. As there is an existing balcony at first floor level to the rear of the site and as this balcony will be shorter in depth it is considered that the proposal would not have a significant impact in terms of loss of privacy to the neighbours.

#### Other Considerations

Frinton Town Council have recommended approval for this application  
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: FOP-01 Revision D..

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.