

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NM	15/11/18
Planning Development Manager authorisation:	SCE	10.11.18
Admin checks / despatch completed	SB	19/11/18.

**Application:** 18/01472/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Justin Tye

**Address:** 26 Crossfield Way Kirby Cross Frinton On Sea

**Development:** Proposed porch, side extension, velux windows and internal conversion

### 1. Town / Parish Council

Frinton and Walton Town Council Recommended for approval.

### 2. Consultation Responses

Not Applicable

### 3. Planning History

18/00653/FUL	Loft conversion, side extension, and internal alterations.	Refused	25.06.2018
18/01472/FUL	Proposed porch, side extension, velux windows and internal conversion	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

HG14 Side Isolation

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

SPL3 Sustainable Design

## **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 26 Crossfield Way, Kirby Cross which is a single storey dwelling located within the development boundary of Frinton on Sea. The host dwelling is located at the top of a turning head between two bungalows to the east and west of the application site.

### **Proposal**

The application seeks planning permission for a porch, side extension, velux windows and internal conversion. The front porch will measure 2.6 metres in width, 1.5 metres in depth with an overall height of 4.15 metres. The proposed side extension will measure 4.4 metres in width, 3.85 metres in depth with the highest part of the dual pitched roof measuring 5.3 metres with the ridge height measuring 2.7 metres.

The proposed velux windows have been assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015. Schedule 2. Part 1 Class A and is consistent with the provisions of the above mentioned Order and are classed as permitted development. The velux windows have therefore not been assessed within this application.

### **Assessment**

The main considerations for this application are the design and appearance, impact upon neighbouring amenities, private amenity space and parking.

### **Design and Appearance**

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that new development relates well to its site and surroundings and the size, scale, design and appearance of new development are in keeping. Emerging policy SPL3 of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that new buildings should

be well designed and maintain or enhance local character and distinctiveness and should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposed porch is situated to the front of the host dwelling and therefore will be visible from the street scene of Crossfield Way. However, due to the proposal being set back by approximately 4.5 metres from the highway, the single storey nature of the proposal and the pitched roof, it is considered that the proposal will not cause any significant impact upon the street scene of Crossfield way.

The proposed side extension is located to the eastern elevation of the host dwelling and will be visible to the street scene. The proposal will incorporate the garage conversion and due to the proposal maintaining the existing roof line, the use of matching materials and the proposal being single storey, the side extension is considered to be in keeping with the host dwelling and character of the area.

#### Impact upon neighbouring amenities

The Framework states planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL11 states development will only be permitted where it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Draft Policy SPL3 states that buildings and structures should be designed and orientated to ensure adequate daylight, outlook and privacy is retained for future and existing residents.

The proposed porch will be visible to the neighbouring dwelling to the west, no. 28, which faces the host dwelling. The neighbouring dwelling is located approximately 7 metres away from the neighbouring boundary and although the porch will be visible to the neighbouring dwelling it is considered to be positioned a sufficient distance away to not cause any impact upon the neighbouring amenities. The side extension is located to the eastern elevation of the host dwelling and therefore will not be visible to no. 28 Crossfield Way.

The proposed side extension is located to the eastern elevation of the host dwelling and therefore it will be visible to the neighbouring dwelling to the east, no. 24. Crossfield. The proposal maintains 0.3 metres to the boundary and although this does not comply with Policy HG14, the extension incorporates a dual pitched roof which extends to 5.3 metres at the highest point which slopes down to 2.7 metres. As a result, the single storey nature of the proposal, dual pitched roof and the existing fencing which will help to screen the proposal, it is considered that the extension is not significant enough to warrant a reason for refusal.

The proposal has a back to side relationship with no. 22 Crossfield Way, however as the extension maintains 6.8 metres to the boundary, the single storey nature and the roof slopes away from the neighbouring amenities, the proposal will not cause any significant impact upon no.22 Crossfield Way.

Due to the single storey nature of the extension, the existing screen and orientation of the properties, it is not considered that the proposal will cause any significant loss of light or outlook, or risk of overlooking.

#### Highway

Although the application seeks to remove the existing garage, sufficient parking can be created to the front of the host dwelling for two parking spaces measuring 5.5 metres by 2.9 metres in line with Essex Parking Standards.

#### Other Considerations

Frinton and Walton Town council recommend this application for approval.

No letters of representation have been received.

## Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore the application is recommended for approval.

### 6. Recommendation

Approval – Full

### 7. Conditions / Reasons for Refusal

- 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.10, Drawing No.02 Rev 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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	NO