

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	21/11/18
Planning Development Manager authorisation:	AN	22/11/18
Admin checks / despatch completed	KHE SB	23/11/18 23/11/18

**Application:** 18/01648/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr & Mrs F Panaite

**Address:** 74 Horsey Road Kirby Le Soken Frinton On Sea

**Development:** Demolish existing garage, summer house and porch. Erect two storey and single storey side extension. (Variation to design approved under Planning Application 18/00850/FUL).

**1. Town / Parish Council**

**Frinton and Walton Town Council** REFUSAL - overdevelopment of the site and overlooking of neighbouring properties.

**2. Consultation Responses**

n/a

**3. Planning History**

18/00850/FUL	Demolish existing garage, summer house and porch. Erect two storey and single storey side extension.	Approved	01.08.2018
18/01648/FUL	Demolish existing garage, summer house and porch. Erect two storey and single storey side extension. (Variation to design approved under Planning Application 18/00850/FUL).	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)

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

### **Proposal**

This application seeks to alter the design of a previous approved side extension to a dwelling within the Development Boundary of Kirby Le Soken. The revised proposal makes the following changes:

- adds 0.3m to the width of the two storey element of the side extension;
- adds 0.3m to the width of the proposed side porch;
- adds 0.2m to the height of the side porch;
- changes the external material of the proposed porch from brick to white hardie-plank cladding; and
- adds 2.25m to the depth of the side porch - bringing its rear elevation in line with that of the main house and creating a utility room.

### **Design & Appearance**

The additional width to the two storey extension and porch element of this proposal will not have a significant impact on the overall appearance of the dwelling, and will not harm the visual amenity. The additional depth to the rear of the side porch will not be prominent in the street scene. White cladding is already featured on parts of the host dwelling, so is not out of character with the setting. Adequate private amenity space is retained.

### **Impact on Neighbours**

The proposed alterations to the approved extension bring the side elevation of the porch and two storey extensions closer to the boundary. However, a separation of 2.5m is retained at the closest point.

At its closest point the proposed porch will be 7.2m from the neighbouring dwelling to the north-west, and the proposed two storey side extension will be 8.6m from this neighbour. The proposal satisfies the 45 degree sunlight/daylight test, and it is therefore considered that despite a drop in ground level any impact on daylight or outlook will not be so significant as to warrant refusal of planning permission.

Only one side facing window is proposed - at ground floor level serving the porch - and this will be obscure glazed in order to limit overlooking. Although there is a risk of overlooking from the stepped access to the proposed side porch, it is not expected that residents or visitors to the property will spend sufficient time on this step for the impact to be sufficiently harmful as to refuse planning permission. The proposed front and rear dormers will not allow direct views into the north-western neighbour's property.

There are four rear neighbours to the north, which are separated from the proposal by greater than 9.5m, and an attached neighbour to the south-east which is separated from the proposal by the host dwelling. There will be no significant impact on any of these neighbour's amenities with regards to daylight, outlook and privacy.

#### Other Considerations

Frinton and Walton Town Council recommend refusal of the application due to 'overdevelopment of the site and overlooking of neighbouring properties'.

Five letters of objection have been received - one from Cllr Robert Bucke, one from the occupier of 78 Horsey Road and three from the occupiers of 76 Horsey Road. The summarised reasons for objecting are:

- Loss of Privacy to 76 Horsey Road - relating to the porch and front dormer window
- Over development of the site
- Concerns regarding drainage and the effect of the added weight of the extension on the surrounding area
- Possible 'wind shear' due to the orientation of the properties
- Adequate separation will be retained between the side of the proposal and side boundary, and adequate private amenity space and parking is retained, to avoid overdevelopment of the site.

The impact on neighbouring dwellings has been assessed above and is not considered to be so significant as to warrant refusal of planning permission.

Issues to do with the weight of the proposal, and impact on drainage, will be dealt with by Building Regulations. Wind shear is not a material planning consideration.

#### Conclusion

In the absence of material harm as a result of the proposed development, this 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. 1830-02 Revision D.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The side facing window in the approved porch shall be non-opening and glazed in obscure glass prior to occupation, and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of neighbouring properties.

#### 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? If so please specify:</b>	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	NO