

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	20/12/2018
Planning Development Manager authorisation:	SCE	20.12.18
Admin checks / despatch completed	ER SB	21/12/18 21/12/18

**Application:** 18/01506/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr F Denham

**Address:** 61 The Street Kirby Le Soken Frinton On Sea

**Development:** Rear conservatory extension.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval

### 2. Consultation Responses

Not Applicable

### 3. Planning History

18/01506/FUL Rear conservatory extension. 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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

#### 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 semi detached two storey dwelling with adjacent parking. The site is located outside of the development boundary and within the conservation area.

### Proposal

This application seeks permission for the erection of a rear conservatory.

### Assessment

#### Design and Appearance

The proposal will be sited to the rear however as a result of large open spaces between the dwelling and neighbouring site will be publicly visible. Whilst publicly visible the proposed addition will be predominantly screened by the host dwelling and set back from the front of the site sufficiently to prevent it from appearing prominently within the streetscene.

The proposal is of a size which is appropriate to the existing house and whilst its design and use of large glazing panels are not entirely inkeeping with the overall appearance of the host dwelling this new addition will be sited to the rear and therefore these elements would not result in a harmful impact to the appearance of the streetscene.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

#### Heritage Impact

The site is located within the conservation area for Kirby le Soken and is referred to as below within the conservation area appraisal for the area;

"Beyond the turn to Beaumont, the road rises gradually until the edge of the village is announced by a strong pair of rough-rendered cottages with open-fronted curtilages on the right."

The proposal is of an appropriate size to the dwelling which will be largely screened by the host dwelling and would therefore not result in a harmful impact to the appearance and character of the conservation area.

A Heritage Statement in the form of a letter has been provided in lines with the requirements of the NPPF.

#### Impact on Neighbours

The proposal will not result in a significant impact to the neighbouring dwellings as it will be sited ample distance away from neighbouring boundaries as well as screened by the host dwelling and boundary fencing.

### Other Considerations

Frinton and Walton Town Council recommend approval for the application.  
No further 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: 2731036/1, 2731036/2, 2731036/3, Block/Site Plan 1:500 and SEHBAC Ltd specifications.

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.