

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/01/2019
Planning Development Manager authorisation:	SCE	07/01/2019
Admin checks / despatch completed	SB	07/01/2019

Application: 18/01740/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Nigel Love

Address: Rosewalk 59 Quendon Way Frinton On Sea

Development: Single storey rear extension.

1. Town / Parish Council

Frinton and Walton Town Council Approval.

2. Consultation Responses

Not Applicable

3. Planning History

02/00461/TCA	Reduce crown of 1 Hawthorn by 35% - 40%	Approved	04.04.2002
18/01740/FUL	Single storey rear extension.	Current	
18/01801/FUL	Single storey rear extension.	Approved	

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

EN17 Conservation Areas

HG9 Private Amenity Space

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

PPL8 - Conservation Areas

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for the erection of a single storey rear extension to a semi-detached dwelling with the development boundary of Frinton on Sea.

The application was originally received as a certificate of lawful development however as the new extension involved the use of render and as the application site is located within a conservation area it was considered that a planning application was required.

Assessment

Design and Appearance

The proposal will be sited to the rear and therefore not publicly visible.

The size of the proposal is appropriate to the existing dwelling and it will be finished in materials which are consistent with those on the existing house.

Whilst its flat roof design does not match that of the host dwellings, the enlargement will not be publicly visible and therefore the use of such a design would not result in a significant harmful impact to the appearance or character of the existing dwelling and area.

Saved Policy HG9 of the Adopted Local Plan 2007 states that when a dwelling comprises of 2 bedrooms an area of 75m² private amenity space should be retained. The current private amenity space within at the rear is 80.75m² this will reduce to 61.5m² upon completion of the proposal. Whilst this does not meet the requirements contained within Saved Policy HG9 it still represents a usable space and therefore the loss of amenity space in this instance is not so significant to refuse planning permission upon.

Heritage Impact

The dwelling is located within the conservation area for Frinton on Sea.

There is no special reference made to the site within the Frinton Park Conservation Area Appraisal.

As the proposal will be sited to the rear and is of a scale appropriate to the existing house it would not have any harmful impact to the appearance or character of the conservation area.

A heritage statement has been provided in line with the requirements of the NPPF justifying the proposal and the impact which it will have on the conservation area.

Impact on Neighbours

The proposal will not result in a reduction to neighbouring amenities to "Sunnyholme" sited south west of the site as it will be sited sufficient distance away from this neighbouring boundary and partially screened by boundary fencing.

The neighbouring dwelling to the north east of the site known as Fairmead 61 Quendon Way has an existing small rear extension along with boundary fencing.

Due to its design the proposal will not result in a loss of privacy to this neighbour.

The new extension will result in a loss of light to this neighbour and therefore the sunlight/daylight calculations from the Essex Design Guide have been applied. The 45 degree lines in elevation and plan would strike through the lower section of this neighbour's rear window. It is therefore considered the loss of light is not so significant to refuse planning permission upon.

The proposed extension will only protrude beyond the rear wall of this neighbour's extension by 1.5m. As a result of its small projection, flat roof design and screening by way of boundary fencing it is considered that the proposal would not result in a significant loss of outlook to this neighbour.

Other considerations

Frinton and Walton Town Council recommend approval for the 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: X2117/2 and Heritage Statement received on 23rd of November 2018.

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.