

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	29/01/2019
Planning Development Manager authorisation:	AN	31/1/19
Admin checks / despatch completed	SB	04/02/19

Application: 18/02032/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Randall

Address: Lapwing Cottage 57 The Street Kirby Le Soken

Development: Single storey extension to provide sitting room and detached garage (revision to previously approved application 18/01059/FUL).

1. Town / Parish Council

Frinton and Walton Town Council Approval.

2. Consultation Responses

n/a

3. Planning History

18/01059/FUL	Single storey extension, and detached garage.	Approved	24.08.2018
18/02032/FUL	Single storey extension to provide sitting room and detached garage (revision to previously approved application 18/01059/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
HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
HG14 Side Isolation
EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PPL8 Conservation Areas

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 permission for the erection of a single storey extension and detached single garage to a cottage in Kirby Le Soken.

Site Description

The application site is north facing and outside of any development boundary, although the northern end of the application site, in which the existing house is located, lies within the Kirby Le Soken Conservation Area. The main property is a timber framed, black weather boarded cottage which faces east on the site and is close to the road. The main cottage is covered in slate while the porch and later extension is finished in pantiles. The porch is a focal point of the cottage with its white wooden stable style front door and detailed eaves. A gravel in/out driveway is bordered by shrubs, while a willow fence creates a divide to the back garden. To the rear the garden is mainly grassed with mature shrubs and trees evident.

Background

A similar application, reference 18/01059/FUL was approved on 24 August 2018. The current application is the same; however it proposes increasing the depth of part of the extension by 1.6 metres so that the rear elevation is symmetrical in dimensions.

Assessment

The design and appearance, conservation area, residential amenity and protected trees are the main considerations for this application.

Design, Appearance and Conservation Area

Lapwing Cottage is a small dwelling clearly visible on the south side of the road when travelling in both directions at the western end of The Street. Its black weatherboarding is a traditional feature which will be carried through to the single storey extension and detached single garage. All the other materials to be used in the construction will complement the range of materials used on the existing dwelling. The single storey extension and detached garage will be set back a distance of 12 metres and 14.5 metres respectively from The Street which ensures the original features of the existing dwelling will not be overshadowed. The gravel driveway will be extended which continues

up to the front of the proposed garage and will also give a natural appearance that will not be stark against the pretty cottage. The footprint of the single storey extension is larger than that of the existing dwelling; however the bulk of the extension is located behind the existing cottage and will be obscured from view by the existing tree which will be retained and which sits in the L shape created by the extension. Levelling the ground adjacent to the existing cottage will help the extension and garage to assimilate with the existing cottage. It is considered that there will be no significant impact to the street scene, or to the character of the existing dwelling following the construction of the proposal.

Lapwing Cottage is situated within a spacious plot that can accommodate this level of development. The single storey extension and single garage will replace existing structures, including sheds and an unused area of garden will be utilised.

Saved Policy HG12 of the Tendring District Local Plan 2007 permits extensions to an existing dwelling outside of Settlement Development Boundaries however the development must satisfy specific criteria which seeks to protect the rural character of the countryside. The construction of the proposal clearly meets the criteria set out in Policy HG12 and it is considered that no significant harm would be caused to the appearance and character of the countryside.

The application site lies within the Kirby Le Soken Conservation Area. The Conservation area appraisal describes the west end of the village as *'These lead to a group of cottages lying on both sides of the road and creating a strong pinch point with mature hedges tightly defining the narrow carriageway.....those on the south side still have much of their "cabin" quality and form.....Facing materials are brick, timber cladding and render under roofs of plain tiles and pantiles. Properties have been extended outwards rather than upwards and the general effect is still informal.'*

The characteristics described above are evident in this part of The Street today. The design of the extension and alterations is considered to be of a scale and nature that is appropriate and the proposal will not cause any significant harm to the character of the immediate area.

The applicant has submitted a Heritage statement to support the application which states 'This scheme offers no harm to the conservation area setting. The proposed extensions will preserve the form and features of the host property and importantly, retain the essential character of the original building. The new development is sympathetically designed, with appropriate detailing and materials to complement the site and its setting.' and has concluded that 'Accordingly, the conservation area will not be materially affected and indeed, is likely to be enhanced as a result of this scheme, through the provision of a well-proportioned and suitably finished scheme.'

Impact on Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary, which in this case has been met where there is a minimum distance of 1.2 metres from the single storey extension to the western boundary shared with 59 The Street.

Due to the single storey nature of the proposals, the distance of the proposals from the neighbouring properties and the natural screening on offer there will be no significant impact to the neighbours at 59 and 55 The Street in terms of loss of light, overlooking or loss of privacy.

Over 1000 square metres of garden space will remain following the construction of the proposal which is considered more than adequate. There is adequate off road car parking in the form of the extended driveway and single garage which meets the current car parking standards. The in/out driveway allows for a safe entry and exit from the highway.

Tree Protection

The Council's Tree and Landscape Officer in conjunction with application reference 18/01059/FUL has confirmed that the trees located in the Conservation Area are afforded formal legal protection.

The established Holly tree in front of the existing cottage will be retained. The Officer requested that as much vegetation as possible should be retained along with the small Mountain Ash tree between the in/out drive which will have longer term amenity value. The Officer noted that the proposal would not have a detrimental impact on the appearance of the conservation area.

Other Considerations

Frinton and Walton Town Council recommend approval for the application.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the 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: drawing no: 1780-01 revision: D and 1780-02 revision: A (proposed garage only).

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

- 3 The shrubs and Mountain Ash tree along the northern boundary located between the in and out driveway accesses shall be retained. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, or in such other phased arrangement as may be agreed in writing by the Local Planning Authority.

Reason - In the interest of visual amenity and the character and appearance of the conservation area.

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.

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