

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	20/02/2019
Planning Development Manager authorisation:	SCE	25.02.19
Admin checks / despatch completed	SB	25/02/19

Application: 19/00044/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Warren

Address: 29 Pole Barn Lane Frinton On Sea Essex

Development: Proposed single storey rear extension.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

Not applicable

3. Planning History

19/00044/FUL Proposed single storey rear 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

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 terraced dwelling within the development boundary of Frinton on Sea.

Assessment

Design and Appearance

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

The proposal is of an appropriate size to the existing house and will be constructed from materials which match the host dwelling.

The flat roof design with parapet walls is not consistent with the overall design of the existing house however as it will be sited to the rear this would not have an impact to the overall appearance of the existing dwelling or streetscene.

The site is sufficiently sized to accommodate this proposal and still retain appropriate private amenity space.

Impact on Neighbours

Due to its design the proposal would not result in a loss of privacy to the neighbouring dwellings.

Sited to the west of the site is 31 Pole Barn Lane which has a rear conservatory with brick parapet walls either side. The proposal will not result in a significant loss of outlook or privacy to this neighbour as it will only protrude 0.7m beyond this neighbouring dwelling and be partially screened by the boundary fencing.

Sited to the east is 27 Pole Barn Lane which has an existing small extension to the rear and beyond that a rear kitchen window. The proposal will result in a loss of light from this window and therefore the sunlight/ daylight calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would strike through this window however in elevation would not. The loss of light is therefore not so significant to refuse planning permission upon.

The existing extension at 27 Pole Barn Lane creates a separation distance between the proposal and the window sited along the rear elevation of this neighbouring house. As a result of this distance and partial screening by way of the existing boundary fencing the loss of outlook received by this neighbour is considered not so significant to refuse planning permission on.

Other Considerations

Frinton and Walton Town Council recommend approval for the application.

One letter of representation has been received as detailed below;

- Concerns over disturbance to foundations.
- Potential increase to damp already experienced.
- Comments over Party Wall Act procedures.

The comments raised are not material planning considerations and will fall under the remits of Building Control or considered as a civil matter, under the party wall act.

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 3275.02.

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.