

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	25/04/2019
Planning Development Manager authorisation:	SCE	29.04.19
Admin checks / despatch completed	RW	29/4/19

Application: 19/00442/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr L Martin

Address: 163 Kirby Road Walton On The Naze 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

19/00442/FUL Proposed single storey rear extension. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 planning permission for the erection of a single storey rear extension to a detached dwelling within the development boundary.

The site has an existing conservatory which will be demolished.

Assessment

Design and Appearance

The proposal will be sited to the rear and predominantly screened by the existing house however as a result of spacing between houses small elements of the proposal will be publicly visible from Kirby Road. As the proposal will be set back from the front of the site and will be finished in materials which match the host dwelling the construction of such a proposal would not result in a harmful impact to the overall appearance and character of the streetscene.

The proposal is of a scale which is appropriate to the existing house and will be lower in height to the main dwelling to ensure that it does not over dominate the existing house allowing it to appear as a subservient addition.

The proposal will have a rear facing gable with the extension connecting to the main house via a small flat roof element. This element will appear odd in design and will appear adversely when viewing the house from the east however as this element would not be publicly visible it is considered not to have a harmful impact to the overall appearance and character of the dwelling and area.

The site is of a large enough size to accommodate the proposal still retain sufficient private amenity space.

Impact to Neighbours

The proposal will not result in a loss of residential amenities to 165 Kirby Road as it will not be visible to this neighbour due to screening by the host dwelling.

Sited to the east is 161 Kirby Road which has an existing rear conservatory and two openings positioned along its side elevation. These openings are obscure glazed and currently look onto the host dwellings side elevation and conservatory.

The proposal will not result in a loss of light to this neighbour's rear elevation as it will not protrude beyond the rear wall of this neighbours existing conservatory.

The proposal will result in some loss of outlook to this neighbours conservatory however as a result of the boundary fence which will screen part of the proposal together with its design and 3m siting off of the neighbouring boundary it is considered the loss of outlook in this instance would not be so significant to refuse planning permission upon.

The proposal will result in a reduced amount of light and outlook being received by this neighbours side windows however as these windows already receive little light and outlook due to their siting it

is considered that the level of light and outlook lost to these windows would not be so significant to refuse planning permission upon. It is also noted that the height of the existing boundary fence could be increased to 2m which would predominantly screen these windows.

A new window is proposed along the side elevation which will face 161 Kirby Road resulting in overlooking to this neighbour. The window is a high level window which will serve the extended living room. The highest part of this window will measure 2.4m from the ground meaning that it could be partially screened by the existing fence which would reduce the amount of privacy lost to this neighbour. Furthermore the host dwelling currently has openings positioned in its side elevation which face onto this neighbouring house. It is therefore considered that the loss of privacy in this instance is not so significant to refuse planning permission upon.

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: MKR-01 Revision A.

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.