

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	17/07/19
Planning Development Manager authorisation:	TF	19/07/19
Admin checks / despatch completed	ER SB	19/7/19 19/07/19.

**Application:** 19/00784/FUL **Town / Parish:** Frinton & Walton Town Council  
**Applicant:** Mrs N Fenwick-Raven  
**Address:** 92 Frinton Road Kirby Cross Frinton On Sea  
**Development** Proposed conservatory.

### 1. Town / Parish Council

**Frinton and Walton Town Council** Approval.

### 2. Consultation Responses

n/a

### 3. Planning History

99/00713/FUL	Alterations and additions to existing house	Refused	30.06.1999
99/01531/FUL	Alterations and extension to existing dwelling	Approved	24.11.1999
03/01986/FUL	Dropped crossing	Approved	28.11.2003
19/00319/FUL	Proposed single storey rear extension.	Approved	23.04.2019
19/00784/FUL	Proposed conservatory.	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

HG9 Private Amenity Space



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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 planning permission for a single storey rear conservatory to a dwelling within the Development Boundary of Frinton on Sea. The conservatory will extend beyond a rear extension which was granted planning permission in April 2019, and which has not yet been commenced. The new proposal will extend 5.7m beyond the rear elevation of the approved extension.

Design and Impact

The proposed extension is sited to the rear of the property, and will not be visible from the highway. The design and scale relate well to the host dwelling, and adequate private amenity space is retained to the rear of the dwelling to satisfy policy HG9 and avoid overdevelopment of the site.

Impact on Neighbours

The proposed extension is sited at the boundary shared with the Eastern neighbour - 94 Frinton Road. The 45 degree daylight/sunlight test shows that the centre of the neighbour's French doors to the rear will be within the 45 degree overshadowing zone in plan, but not in section. This means that there will not be a significant impact on this neighbour's daylight or outlook. Furthermore, the north facing orientation of the rear gardens limits the amount of direct sunlight enjoyed by these properties throughout the day. A small area of the neighbour's garden will be at risk of overshadowing, but the impact will not be so significant as to warrant refusal of planning



permission. No windows are proposed that will face this boundary, so the attached neighbour's privacy will not be affected.

There is adequate separation from the Western boundary to protect this neighbour's daylight and outlook, and windows facing the boundary are at ground floor level so will not significantly impact privacy.

#### Other Considerations

Frinton and Walton Town Council approve of the application.

One letter of objection has been received raising concerns about loss of daylight, loss of outlook, and overdevelopment of the site. These issues have been addressed in the main body of the report.

#### Conclusion

In the absence of significant material harm as a result of the proposed development, this 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. 01.

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.

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