

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | AP       | 06/08/2019 |
| Planning Development Manager authorisation:                 | TF       | 08/08/2019 |
| Admin checks / despatch completed                           | ML       | 09/08/19   |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | SB       | 09/08/19   |

**Application:** 19/00888/FUL **Town / Parish:** Frinton & Walton Town Council  
**Applicant:** Mrs Yvonne Allen  
**Address:** 91 Kirby Road Walton On The Naze Essex  
**Development:** Single storey extension and shed.

### 1. Town / Parish Council

Frinton and Walton Town Council Recommend approval

### 2. Consultation Responses

n/a

### 3. Planning History

|              |   |          |            |
|--------------|---|----------|------------|
| 06/00506/FUL | Single storey extensions to form utility, study & bathroom. | Approved | 15.05.2006 |
| 19/00888/FUL | Single storey extension and shed.                           | 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

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 permission for the erection of a single storey side and rear extension and shed to a detached bungalow located within the settlement development boundary of Frinton on Sea.

### Design and Appearance

The proposed single storey extension will replace the existing single garage, conservatory and utility room to create annexe accommodation. A shed will be sited south of the extension abutting the eastern boundary. The proposed extension will be set back from the front elevation of the bungalow, being finished with render on the front and rear elevations which match the existing finish of the bungalow and brickwork on the eastern elevation that faces number 89. A flat roof only 0.10 metres higher than the existing garage will complete the extension along with a central roof light. The proposed extension will create a modern appearance that replaces the worn garage structure and older conservatory materials. The shed will be finished in brickwork with a maximum height of 2.65 metres. The top section of the shed will be visible to the neighbour at 89 Kirby Road above the 1.8 metre high fence line.

Due to the small foot print of the shed, the single storey nature of the extension and its limited view from the street scene, the design and scale of the extension and shed is acceptable in relation to the host property and would result in no material harm to visual amenity.

### Impact upon Residential Amenity

The proposed extension will be sited a distance of 0.25 metres from the eastern boundary shared with 89 Kirby Road and holds the same position as the existing garage with only a 0.10 metre increase in overall height ensuring no significant impact in terms of loss of light. The shed is however sited further south of the extension and a distance of 0.20 metres to the eastern side boundary which has the potential to result in loss of light to the property of 89 Kirby Road and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would intercept the rear patio doors and one rear window of number 89; however in elevation, it would catch just the bottom corner of the patio doors at number 89. It is therefore considered that the loss of light is not so significant to justify refusing planning permission on these grounds.

The low level nature of the extension and the shed will ensure there is no significant impact to either next door neighbour in terms of loss of privacy or overlooking, however due to the use as living accommodation of the new extension which is close to the boundary and to ensure the

continued privacy of the neighbour at 89 Kirby Road, permitted development rights for the insertion of windows on the proposed eastern elevation will be removed.

Due to the distance from the proposal to the western side boundary shared with 93 Kirby Road there will be no significant impact to this neighbour.

The existing garage does not meet the current parking standards where the internal dimensions should measure 7 metres x 3 metres. There is however space on the driveway for two cars to park in tandem and which meets the current car parking standards where one space measures 5.5 metres x 2.9 metres. More than 1000 square metres of private garden space remains following the construction of the proposal which is considered more than adequate.

#### Other Considerations

Frinton and Walton Town Council recommend approval of the application.

One letter of objection has been received which raises the following concerns:

1. Height of shed and loss of light caused
2. No windows on the boundary wall, I expect this to remain the case
3. I wish to explore extending my property to the boundary in the future and for this to be taken into account
4. Use of scaffolding
5. Depth of foundations and damage to property
6. I wish to be able to continue the current fence from the corner of the garage through to the pavement edge
7. I do not wish for any guttering to overhang my property
8. Maintenance of the proposal

Points 1 and 2 have been addressed in the report.

Point 3 – each planning application will be considered on its own merits. The future plans of a neighbour for their own property are not a material planning consideration.

Points 4 – 8 – These are not material planning considerations but the applicant may be required to give notice of their intentions under the Party Wall etc. Act 1996.

No other representations 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 plan: Drawing No AKR-01 Revision A.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-

enacting that Order with or without modification), no windows shall be inserted in the eastern elevation of the development hereby permitted.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 4 The single storey extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 91 Kirby Road.

Reason – The site is unsuitable for an independent residential unit because of the inter-relationship between the host dwelling and the approved new floor space and in the interests of the amenities of the occupants of neighbouring property.

## 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.

The annexe hereby approved may only be occupied as ancillary accommodation to the main dwelling, known as 91 Kirby Road, Walton on the Naze, CO14 8RA.

You may be required to give notice to your neighbours of your intentions under the Party Wall etc. Act 1996. Further information can be found on the government website. <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>

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