

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	23/09/2019
Planning Development Manager authorisation:	TF	25/09/2019
Admin checks / despatch completed	KA GXC	25/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:		25/9/19

Application: 19/01146/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Zap and Mrs White

Address: Ischia Cliff Parade Walton On The Naze

Development: Proposed first floor replacement conservatory with increase in size.

1. Town / Parish Council

Frinton and Walton Town Council Recommends Approval

2. Consultation Responses

n/a

3. Planning History

19/01146/FUL Proposed first floor replacement conservatory with increase in size. 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
HG14 Side Isolation

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The application seeks permission for a replacement first floor conservatory to a detached house located within the development boundary of Walton on the Naze.

Design and Appearance

The proposal to replace the first floor conservatory at Ischia will not have a significant impact on the street scene. The replacement conservatory will be sited in the same position on top of the flat roofed garage on the south western side of the property and will be wider than the existing conservatory by 0.65 metres. All other dimensions of the conservatory will be as per the existing conservatory. The appearance will be similar as the proposed materials of white UPVC and a polycarbonate roof will replicate what is already there. The balustrade which runs along in front of the conservatory and along the edge of the flat roof will remain. The section of balustrade that currently runs along the side of the conservatory will be removed as the new conservatory will go to the edge of the flat roof.

The design and scale of the replacement conservatory is acceptable and would result in no material harm to visual amenity.

Impact upon Neighbouring Amenities

There will be no significant impact to the immediate neighbour at Northaw as the proposed replacement conservatory will be sited away from the northern side shared boundary. There will also be no significant impact to the neighbours to the south at Astra. The proposed conservatory will hold the same position as the existing conservatory adjacent to the side shared boundary. Astra has no side facing windows although an existing balcony which is open to the front and side exists at Astra. The proposal will not have a significant impact in terms of overlooking, loss of privacy or loss of light due to the replicated position of the proposal albeit 0.65 metres wider.

The private amenity space and existing off road parking arrangements will not be affected by the proposal.

Other Considerations

Frinton and Walton Town Council has recommended approval of the application.

No further letters of representation have been received.

Conclusion

In the absence of 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 number - 19Z02602-001

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.

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