

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	25/09/2019
Planning Development Manager authorisation:	TF	03/10/2019
Admin checks / despatch completed	SB	04/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EM	04/10/19

Application: 19/01207/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Bevis

Address: 124 Frinton Road Kirby Cross Frinton On Sea

Development: Proposed 1 1/2 storey rear extension (following demolition of conservatory) and existing rendered external walls to be smooth rendered.

1. Town / Parish Council

Frinton and Walton Town Council Recommend approval

2. Consultation Responses

n/a

3. Planning History

19/01207/FUL	Proposed 1 1/2 storey rear extension (following demolition of conservatory) and existing rendered external walls to be smooth rendered.	Current
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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
HG14 Side Isolation

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies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 one and a half storey rear extension to a detached house located within the settlement development boundary of Frinton on Sea.

Design and Appearance

The proposed one and a half storey rear extension will follow the eaves and ridge height of the existing dwelling to ensure that the proposal is in keeping with the character of the existing dwelling. The proposed use of smooth render on the existing dwelling does not require planning permission; this is considered permitted development. Smooth render will be used to finish the extension which will match the newly rendered existing house to create a seamless finish that ties the old together with the new. The extension will be partially visible from Frinton Road, glimpsed between the neighbouring properties; however the extension and the rear of the house will be clearly visible from Willow Avenue which lies to the west. The rear of the properties of 122, 124, 126 and 128 Frinton Road can be clearly seen from Willow Avenue; however given that the first three properties are already one and a half storey and the fourth property is two storey there will no significant impact to the street scene caused by the proposal.

The design and scale of the rear extension would result in no material harm to visual amenity.

Impact upon Residential Amenity

Saved Policy HG14 of the adopted Tendring District Local Plan 2007 seeks to safeguard the amenities and aspect of adjoining residents and ensure that new development is appropriate in its setting and does not create a cramped appearance. The policy requires retention of appropriate open space between the dwelling and the side boundaries of the plot where the extension is over 4 metres in height, as in this case. As a guideline, Policy HG14 seeks a minimum distance of 1 metre to the side boundary which in this case has been met where a 1 metre distance has been maintained to each side boundary.

The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the one and a half storey extension roof would catch the bottom corner of the bi-fold doors at the rear of 126 Frinton Road in elevation, and the 45 degree from the one and a half storey

extension would intercept less than 20% of the bi-fold doors at the rear of 126 Frinton Road in plan. The loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The proposal also has the potential to result in loss of light to the property of 122 Frinton Road and therefore the calculations specified within the Essex Design Guide have been applied. The 45 degree line in plan would intercept the side high level lounge window of number 122; however in elevation, due to the separation distance between the properties it would not intercept the side lounge window at number 122. Given that the high level side window is a secondary window serving the lounge it is considered that the loss of light is not so significant to justify refusing planning permission on these grounds.

Due to the size of the gardens of the neighbouring properties, which are north facing there will be no significant loss of light caused by the proposal.

One first floor window serving a bedroom will be created on the new rear elevation which replaces the window on the existing rear elevation, with a small roof light on the eastern roof slope serving an en suite. It is not considered that the rear facing first floor window and ensuite roof light will significantly impact on the neighbours amenities in terms of loss of privacy or overlooking.

Saved Policy HG9 of the Tendring District Local Plan 2007 seeks to provide a minimum of 100 square metres of private amenity space for a property with three or more bedrooms. 108 square metres of private amenity space will remain at 124 Frinton Road following the construction of the proposal which is considered adequate.

The off road car parking provision remains unchanged. There is access to the side of the property via Willow Avenue to a detached single garage and one off road parking space.

Other Considerations

Frinton and Walton Town Council recommend approval of the application.

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

- Loss of sunlight from the patio area
- Loss of privacy from 1st floor window
- Design of roof

The points raised have been addressed in the report.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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. 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.

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