

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	15/11/2019
Planning Development Manager authorisation:	TF	18/11/2019
Admin checks / despatch completed	CC	19/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EX	19/11/19

Application: 19/01431/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Allegri

Address: Pen Marie 54 Walton Road Kirby Le Soken

Development: Proposed single storey side and rear extension with 3no. glazed roof lanterns (following demolition of conservatory and garage) and relocation of side entrance door to front.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

N/A

3. Planning History

19/01431/FUL	Proposed single storey side and rear extension with 3no. glazed roof lanterns (following demolition of conservatory and garage) and relocation of side entrance door to front.	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application site

The application site is located within the development boundary of Kirby. It serves a semi-detached chalet bungalow constructed of painted brick with a tiled roof, within in the roof is a dormer window located to the east side of the property. The front of the site partly concreted for parking leading to a garage and partly laid to lawn. The rear of the application site has an existing conservatory, a patio area and the rest of the garden area is then laid to lawn, with close boarding fencing on the boundaries.

Proposal

This application seeks planning permission for a single storey side and rear extension following the demolition of the existing conservatory and garage. To then relocate the main entrance into the host dwelling from the side to the proposed extension. The single storey rear extension proposal will measure a maximum depth of 4.6m, 7.3m wide, and will have a flat roof with a height of 2.9m with two roof lights measuring a maximum height of 3.1m. The single storey side proposal will adjoin the rear extension making the overall side depth 15.1m, 3.1m wide, and will have a part pitched roof to the front with a maximum height of 3.7m and the rest will be a flat roof with a height of 3m with a roof light measuring a maximum height of 3.2m.

The proposed materials throughout the proposed development will consist of brick, with a tiled roof to match the existing host dwelling.

Assessment

The main considerations of this application are the design and the impact upon residential amenity.

Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Design and Appearance

The proposals are considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling. The proposed side extension will be publicly visible from Walton Road, although the development will be publicly visible it will not have any impact upon the street scene as it will be set back from the front boundary by a minimum of 8.5m. The proposed side extension will be stepped in from the front elevation by 1.1m making it a subservient addition and the matching eaves blend the development acceptably with the host dwelling.

The design of the development overall is considered to be acceptable.

Impact on Residential Amenity

The proposed side extension will be located on the shared side boundary line with both adjoining neighbours. It is important to note that there was an existing garage which was located on the boundary line, and whilst the proposed extension will be deeper than currently exists it would not greatly increase any impact to the neighbouring property, 56 Walton Road. The single storey nature will ensure there will be no overlooking concerns. It is also important to note that there is an existing pitched roof conservatory that the flat roof rear extension will be replacing. The 45 degree test was carried out for completeness and although it failed in plan it does not fail in elevation. It is therefore considered that the loss of light in this instance is not so significant to refuse planning permission upon.

Overall the proposed extensions are not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring properties.

Other Considerations

Frinton and Walton Parish Council commented to approve the application. No further letters of representation were received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any 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 Rev 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.

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