

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	15/11/2019
Planning Development Manager authorisation:	TF	20/11/2019
Admin checks / despatch completed	CC	20.11.2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WAC	20/11/19

**Application:** 19/01449/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Richard Osborne

**Address:** 21 Baynards Crescent Kirby Cross Frinton On Sea

**Development:** Demolition of garage and proposed ground floor side and rear extension.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval

### 2. Consultation Responses

N/A

### 3. Planning History

19/01449/FUL      Demolition of garage and proposed ground floor side and rear extension.      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

## **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 to the north east of Baynards Crescent, inside the development boundary of Frinton on Sea. It serves a detached two storey dwelling constructed of brick with a tiled roof. The front of the site is partly laid to lawn the rest is then gravel and concrete, for parking which wraps around to the south east side of the host dwelling leading to a garage and side entrance to the rear garden. The rear is mainly laid to lawn with a decked area to the rear and a patio the boundaries are made up of close boarding fencing.

### Proposal

This application seeks planning permission for a single storey rear and side extension with a garage after the demolition of the existing garage. The single storey rear extension proposal will measure a maximum depth of 4.2m, 10.8m wide, and will have a flat roof with a height of 3.2m with a roof lantern measuring a maximum height of 3.9m. The single storey side extension proposal will adjoin the rear extension making the overall side depth 12.5m, 2.8m wide, and will have a flat roof with a maximum height of 3.2m.

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

### 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 proposed rear and side extension/garage is considered to be of a scale and nature appropriate to the site and the surrounding area. The development will be visible from Baynards Crescent due to the proposed side garage. 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 10m. The proposed garage will be stepped in from the front elevation by 0.4m making it a subservient addition and the matching eaves blend the development acceptably with the host dwelling.

Furthermore, the use of matching brick will blend the development with the host dwelling, resulting in a neutral impact upon the street scene.

## Impact on Residential Amenity

The proposed side extension/garage will be located 1m to the shared side boundary with 23 Baynards Crescent. It is important to note that there was an existing garage which was located on the boundary line, therefore the proposal would lessen the impact of the existing. The single storey nature will ensure there will be no overlooking concerns.

The proposed rear extension will be located a distance of 0.8m to the shared boundary line with 19 Baynards Crescent, and will not be located any further back than their garage.

The proposed development is therefore considered to be a modest single storey development that will not cause any significant adverse impact to the daylight, privacy or other amenities currently enjoyed by neighbouring property.

## Other Considerations

Frinton and Walton Town Council have commented to approve the planning application.

We received a letter of objection from the neighbouring property 23 Baynards Crescent, they object on the grounds that two drain pipes have been annotated on the proposed elevation drawing. This has been noted however this is not a planning matter.

## 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 plans: Drawing No. 09-1104-P1-, 09-1204-P1, 09-1205-P1, 09-1301-P1, 09-1302-P1, 09-1303-P1 and 09-1304-P1.

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>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO