

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	07/01/2020
Planning Development Manager authorisation:	TF	07/01/2020
Admin checks / despatch completed	CC	07/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	7/1/2020

**Application:** 19/01727/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Gary Langston

**Address:** 138A Thorpe Road Kirby Cross Frinton On Sea

**Development:** Proposed front porch and single storey rear extension including flue and 6no velux rooflights.

### 1. Town / Parish Council

Frinton and Walton Town Council    Approval

### 2. Consultation Responses

N/A

### 3. Planning History

06/00492/FUL	Two detached houses.	Approved	22.06.2006
06/01778/FUL	Erection of first floor extension to existing bungalow to form a 2-storey house.	Approved	08.01.2007
06/02045/FUL	Two detached houses with garages.	Refused	25.05.2007
19/01727/FUL	Proposed front porch and single storey rear extension including flue and 6no velux rooflights.	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 to the north of Thorpe Road 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 part of a private shared gravelled drive for parking. The rear is laid to lawn with close boarding fencing on the boundaries.

### **Proposal**

This application seeks planning permission for a single storey rear extension and a porch. The single storey extension will measure a maximum depth of 7.8m to the east side of the host dwelling and will be 4.9m to the west side of the host dwelling, 7.4m wide and will have a monopitched roof with a maximum height of 4.1m within the roof is 6 proposed roof lights. The porch proposal will measure a maximum depth of 3.1m, 2.6m wide, and will have a monopitched roof with a maximum height of 3.9m.

The proposed materials throughout the development will consist of brick with a tiled roof top match the host dwelling and hardie plank on the proposed porch.

### 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 extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The proposed extension is to the rear of the property and will not be publicly visible from Thorpe Road therefore will be no impact upon the street scene.

The proposed porch proposal will be viewable from Thorpe Road, however will be screened to the east by the host dwelling and will be located a minimum of 16.7m from the highway. Due to this, and the appropriate design the development will have no adverse impact upon the street scene. Further, the proposed front porch is considered to add interest, and will infill that part of the house. The design of the development overall is considered to be acceptable.

### Impact on Residential Amenity

The single storey rear extension is a distance of 1.5m to 138 Thorpe Road, which complies with policy HG14 side isolation of the Tendring District Local Plan and is 0.2m to 140 Thorpe Road. The proposed porch will be a distance of 1m to the shared neighbouring boundary with 140 Thorpe Road and will be screened from the neighbouring property to the east. The proposed ground floor windows to the rear and side will not allow overlooking into private areas of neighbouring properties, and the proposed roof lights to the rear extension will be above head height so will not result in overlooking. Overall the proposed extension and porch are not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property. The 45 degree rule contained within the Essex Design Guide has been applied to this development for completeness and has not failed in plan nor in elevation due to the locations of the neighbouring properties and also to note the rear gardens are north facing and the sun rises in the east and sets in the west.

### 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.

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