

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	26/03/2020
Planning Development Manager authorisation:	TF	27/03/2020
Admin checks / despatch completed	SB	30/03/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	30/03/2020

Application: 20/00132/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Thorne

Address: 53 Horsey Road Kirby Le Soken Frinton On Sea

Development: Proposed single storey rear extension.

1. Town / Parish Council

Frinton and Walton Town
Council
25.02.2020

APPROVAL

2. Consultation Responses

N/A

3. Planning History

02/02323/FUL	Two storey extension to side of dwelling to provide a study on ground floor and an additional bedroom to the first floor	Approved	11.02.2003
20/00132/FUL	Proposed single storey 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)

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This Application seeks permission for the erection of a single storey rear extension.

Application Site

The site is located to the north of Horsey Road, within the development boundary of Kirby le Soken. The site is on a corner plot, where Pyesand meets Horsey Road. The site serves a two storey detached dwelling. The exterior walls are of brickwork and tile hanging and the roof is pitched and tiled. The front of the site is laid to lawn with shrubbery, there is a paved driveway on the eastern side. The rear of the site is laid to lawn with a detached garage. The surrounding streetscene is comprised from a mixture of two storey dwellings and bungalows constructed from similar materials.

Assessment

Design and Appearance

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the

local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed extension is to be located to the rear of the property; it will measure approximately 4.7 metres deep and 3.7 metres wide, with an overall height of 4 metres. It is considered that the proposal is of a size and design in keeping to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and still provide adequate private amenity space.

The proposed extension will be constructed using materials to match those of the existing dwelling. The exterior walls will be of a matching brickwork, the roof will be pitched and tiled and the windows and doors UPVC. The proposal is located to the rear of the property but will be visible from the streetscene along 'Pyesand'. Due to the use of matching materials to those of the existing dwelling the proposal is considered to be in keeping with the existing dwelling and surrounding area. The proposed extension is not deemed to have any adverse effect on the visual amenities of the area.

Impact to neighbouring amenities

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst criteria 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal is set away from the boundary lines of the neighbouring properties and will be further shielded by the existing fencing to the neighbouring dwelling to the east and by the detached garage to the neighbouring dwelling to the north. The proposal is therefore considered to have no significant impact on the loss of daylight nor privacy, nor cause any additional harm to the amenities of the adjacent neighbours.

Highway Issues

The Proposal neither generates an additional need for parking nor decreases the existing parking provisions at the site.

Other considerations

Frinton and Walton Town Council support this application.

Comments were submitted by a neighbouring property objecting to the proposal due to concerns of this existing drainage works potentially being damaged during the construction phase. It was also noted that the property garden will appear overdeveloped due to the existing garage and side extension, and a potential loss of parking spaces depending on the use of the proposal.

In response, as assessed above, it is considered that the site can accommodate a proposal of this size and design and still provide adequate private amenity space, it is not the view of the Council that the garden will appear overdeveloped. The proposal is also not considered to generate any additional need for parking, nor decreases the existing parking provisions at the site. Lastly, potential damage to the existing pipes is not considered as a material planning consideration and has not been assessed at this would be a civil matter between the applicant and the neighbour during/after the building works. Any works within 2m of a common boundary are subject to the Party Walls Act.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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. 0257/PL/03, Drawing No. 0257/PL/04, and Drawing No. 0257/PL/05

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