

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	30 <sup>th</sup> June 2020
Planning Development Manager authorisation:	AN	30/06/2020
Admin checks / despatch completed	CC	02/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	02/07/2020

**Application:** 20/00578/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Paul Lebreth

**Address:** 3 Willow Avenue Kirby Cross Frinton On Sea

**Development:** Proposed flat roof room/corridor between existing property and external garage with French doors to front and rear for access. Proposed conversion of existing conservatory into dining room with orangery style roof, insulation and bi-fold doors to rear and side.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

No comments received

### 3. Planning History

01/00135/FUL	Extension and alterations to residential dwelling. New garage and store	Approved	09.03.2001
95/00622/OUT	(Greenways, 3 Willow Avenue, Kirby Cross) One dwelling (on garden plot sub-division)	Refused	08.08.1995
06/00607/FUL	Extensions to dwelling (part revised scheme to planning permission 01/00135/FUL).	Approved	24.05.2006
20/00578/FUL	Proposed flat roof room/corridor between existing property and external garage with French doors to front and rear for access. Proposed conversion of existing conservatory into dining room with orangery style roof, insulation and bi-fold doors to rear and side.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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)**

### Site Description

This is a part hip-roofed (north side) part gable-roofed (south side) detached chalet bungalow on the western side of Willow Avenue.

The previous planning permission sanctioned the rearwards extension of the bungalow in a gable-roofed design, the erection of a hip-roofed extension to the southern side of the bungalow, together with a conservatory attached to the rear of this, and, in addition, the erection of a freestanding front gabled garage to the side of the proposed side extension.

### Description of Proposal

The application a very simple single-storey extension to link the garage to the main dwelling and the replacement of the existing conservatory with a single-storey extension occupying an identical footprint. The link extension would be 3m wide and 3m deep and have a glazed lantern in the roof – the resulting floorspace would provide a boot room. The rear extension would be 4.8m deep and 3.6m wide and would provide an enlarged kitchen/diner.

### Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. 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.

In regards to both single storey link and rear extensions; these are both of a de-minimum nature and entirely appropriate in both their scale, siting and design. The extensions would be finished externally in material which match the host dwelling and for these the proposed extensions respect the character and appearance of the host dwelling in regards to their scale and design.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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 other 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 link extension is contained entirely within existing built form and the rear extension replaces a development with an existing footprint. For these reasons the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

## Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal neither generates any additional need for parking nor decreases the existing parking provision at the site.

## Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

## **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: Existing and proposed floor plan, existing and proposed front elevation, proposed floor plan, proposed front elevation, proposed left side elevation, proposed rear elevation and proposed right elevation, received 6th May 2020.

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?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO