

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	5 th Oct 2020
Planning Development Manager authorisation:	AN	06/10/2020
Admin checks / despatch completed	DB	06/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	06/10/2020

Application: 20/01063/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Simon Meek
Address: 76 Pole Barn Lane Frinton On Sea Essex
Development: Proposed single storey rear extension.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
21.09.2020

REFUSAL - over large extension which takes up too much of the amenity space. Out of keeping with the host property.

2. Consultation Responses

No comments received.

3. Planning History

15/01837/FUL	Proposed semi detached 2 bedroom dwellings.	Approved	03.03.2016
16/00413/DISCON	Discharge of conditions 2 (materials), 3 (landscaping), 5 (fencing) and 9 (CMS) of planning application 15/01837/FUL.	Approved	19.04.2016
20/01063/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

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

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

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The site is the right hand of a pair of new build semi-detached dwellings constructed in 2016, resulting from the approval of application 15/01837/FUL. The dwelling is just over 8m deep and 5m wide; the rear garden is approximately 10m long.

Description of Proposal

The application proposes a single-storey rear extension.

As submitted the plans proposed an addition which would have been 7.5m long, have a dual-pitched roof having eaves around 2.7m and a ridge of 3.5m. Two matters of concern were raised in regards to the depth of the extension:- firstly that it would not be subservient to the host dwelling thereby failing to respect the character of the original dwelling and secondly, the depth would cause material harm to the amenity of the neighbour to the east.

Revised amended plans were received which reduce the depth from 7.5m down to 4m; which is only marginally larger than that which could be constructed without requiring an express grant of planning permission.

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.

The proposal is sited at the rear of the existing dwelling and only limited views (across the garden of No. 78) from Peacehaven may be possible; for this reason there will be no significant impact to the street scene. The rear extension will be constructed externally in materials which would match not only the host dwelling but wider palette of facing brickwork. The proposed extension respects the character and appearance of the host dwelling in regards to its 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 reduced extension would be sited to the west of No. 74, set approximately 1m from the shared boundary and, at 4m long, occupies approximately half the depth of their garden. In regards to No. 78, the extension is between 1.8m and 2m from the shared boundary. 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 an additional need for parking nor diminished the existing parking level.

Contributions

Two letters were received in response to the public consultation period. The contents are summarised as:-

<p>The proposed development by reason of its size, depth, height and massing would have an unacceptably adverse impact on the amenity of my property which is immediately adjacent to the application site by reason of the extension being visually overbearing and dominant.</p> <p>The proximity of the proposed roof lights on the east facing roof slope of the proposed extension will, if they are allowed to open lead the occupants of 74 Pole Barn Lane to be subjected to potential noise~ general disturbance and nuisance.</p> <p>The extension in relation to the host property and adjoining buildings is inappropriate in scale and unsympathetic to the appearance and character of the local environment.</p> <p>In summary the extension of 76 Pole Barn Lane if built would overlook, overbear and overshadow its neighbouring property 74 Pole Barn Lane.</p>	<p>The objection raised by the neighbour in regards to the proposed extension being visually overbearing and dominant, inappropriate in scale and unsympathetic to the appearance and character of the local environment are all founded.</p> <p>The scale of the proposed extension was significantly reduced.</p> <p>In regards to noise emanating from an extension, this is unlikely to result in a materially-damaging effect on amenity in comparison to general noise coming from a garden.</p>
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The Parish Council comments that:

<p>The Parish Council object to the proposal on the grounds that the over large extension would take up too much of the amenity space and is out of keeping with the host property.</p>	<p>In some isolated cases extended dwellings may result in very small gardens but the Council does not propose to include an absolute minimum garden size where extensions are proposed to dwellings.</p> <p>Revised amended plans were negotiated that reduced the depth of the extension significantly.</p>
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6. Recommendation

Approval - Full

7. Conditions / Reasons for Approval

- 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 01, revision B; received 5th October 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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?		NO
Are there any third parties to be informed of the decision?		NO