

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	13.01.2021
Planning Development Manager authorisation:	TC	13/01/2021
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Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.01.2021

**Application:** 20/01685/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Dearsley and Harrison

**Address:** 14 Heronsgate Frinton On Sea Essex

**Development:** Proposed erection of first floor storey front extension, replacement monopitch porch roof and canopy, and proposed larger roller shutter garage door.

### 1. Town / Parish Council

FRINTON & WALTON  
TOWN COUNCIL  
11.01.2021

Recommends APPROVAL

### 2. Consultation Responses

N/A

### 3. Planning History

20/01685/FUL      Proposed erection of first floor storey front extension, replacement monopitch porch roof and canopy, and proposed larger roller shutter garage door.      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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Proposal**

The proposal seeks permission for the erection of a first floor storey front extension, replacement monopitch porch roof and canopy, and proposed larger roller shutter garage door.

### **Application Site**

The site is located to the South of Heronsgate within the development boundary of Frinton on Sea. The site serves a detached dwelling constructed of brickwork with a pitched tiled roof. The surrounding streetscene is comprised from dwellings of similar scale and design, materials present include mostly brickwork.

### **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 first floor extension would be constructed above the existing garage to increase the size of the front master bedroom. The extension would measure 3.7 metres wide by 2.9 metres deep with a pitched roof being fitted from the existing roof line. The overall height would increase by 2.5 metres to the eaves of the extended section. Therefore, the front extension would have a total overall height of 6.6 metres to the pitch. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area, with other neighbouring dwellings within the vicinity adopting similar alterations. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

The proposed extension will be located to the front of the property and therefore will be visible from the streetscene. The proposal would be finished in grey Hardie Plank cladding as well as the entire first floor of the dwelling. The roof would be finished in grey Double Roman roof tiles which are consistent with the existing dwelling. The windows, doors, fascias and soffits will be made of white UPVC, to also remain in keeping with the existing dwelling.

The proposed front mono pitch porch roof and canopy would replace the existing flat roof of the porch and continue across the entire front of the dwelling to the right side. This roof would utilise the same grey Double Roman roof tiles present on the rest of the host dwelling.

The proposed wider roller garage door would improve access to the existing garage particularly for the provision of larger vehicles. The design of the proposed garage door is

deemed to represent a marginal change in aesthetic to the existing door and as such would not be opposed.

### **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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties are 12 and 15 Heronsgate.

### **Impact on 12 Heronsgate**

This dwelling is set 12 meters away from the proposed development. The proposal does not feature any windows facing towards number 12, meaning the development would not represent a risk to the privacy nor daylight of this neighbouring dwelling. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 12.

### **Impact on 15 Heronsgate**

The Essex Design Guide makes reference to The Building Research Establishments report "Site Layout for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the two storey front extension would catch less than half of the window to the front of No. 15. As a result the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

There will also be no windows facing towards No. 15. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 15.

### **Highway issues**

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

### **Other Considerations**

Frinton and Walton Town Council recommend this proposal to be approved.

### **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 plans; Drawing No. 01 REV A

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