

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	21.01.2021
Planning Development Manager authorisation:	TF	22/01/2021
Admin checks / despatch completed	CC	25.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	25.01.2021

Application: 20/01595/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Richard Osborne

Address: 21 Baynards Crescent Kirby Cross Frinton On Sea

Development: Demolition of garage and proposed single storey rear extension and two storey side extension.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
15.12.2020

Recommendation: APPROVAL

2. Consultation Responses

Not Applicable

3. Planning History

19/01449/FUL Demolition of garage and proposed ground floor side and rear extension. Approved 20.11.2019

20/01595/FUL Demolition of garage and proposed single storey rear extension and two storey side 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

HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th 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 26th 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

This application seeks permission for the demolition of the existing garage and erection of single storey rear extension and two storey side extension.

Application Site

The site is located north east of Baynards Crescent, within the development boundary of Frinton on Sea. The site serves a detached two storey dwelling constructed using brickwork and cladding with a pitched tiled roof. The front of the site is laid to lawn with some shrubbery and a driveway.

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 rear extension will measure 4.7 metres deep by 10.6 metres wide, with an overall flat roof height of 3.3 metres. The proposed two storey side extension will measure 3 metres wide by 7.9 metres deep, where it meets with the rear extension. It will have an overall height of 6.7 metres. The proposed development is considered to be of a size and scale in keeping with the existing dwelling, with the application site retaining plenty of private amenity space.

Policy HG14 of the Tendring District Local Plan 92007) states that extensions over 4m in height will be required to retain appropriate open space between the dwelling and side boundaries to ensure that new development is appropriate in its setting, does not create a cramped appearance and safeguard the amenities and aspect of adjoining residents. A minimum distance of 1 metres is suggested. In this case the proposal will be constructed 1 metre from the boundary line and is therefore consistent with Policy HG14.

The proposal will be constructed using materials to match those of the existing dwelling, the exterior walls will be of a matching brickwork and cladding. The roof will be pitched and tiled on the two storey side extension, whilst the rear extension has a flat roof design with a roof lantern. The flat roof design is in keeping with the existing garage on site. The proposed development is therefore considered to be of an acceptable design and will not have any significant adverse effects on visual amenity.

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 Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning 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. The 45 degree rule has been applied to this application, due to the neighbouring dwelling positioning on their sites, the proposal will not result in a significant loss of light to the adjacent dwellings.

The two storey side extension will introduce two new windows at first floor level to the front of the dwelling, one extra window at first floor level to the rear of the dwelling and no windows on the side elevation. The proposed new windows will provide the dwelling with views of the streetscene and overlooking onto the adjacent neighbouring gardens, however, as the dwelling already has views

from first floor level at the front and rear elevations these additional windows will not provide the dwelling with any new sites and will not result in a significant loss of privacy.

The proposed development is therefore considered acceptable in terms of residential amenity.

Highway issues

The Proposal does include the demolition of the existing garage, however, a new integral garage is proposed as part of the side extension. The proposal is therefore considered acceptable in terms of highway safety.

Other Considerations

Two letters of representation have been received by one member of the public for this application, this letter raised concerns over drainage and whether pile driving would be necessary, and objecting to the application if this were to be the case.

Officer Response - unfortunately drainage is not considered to be a material planning consideration and has not been assessed during this report, this matter will however be dealt with by Building Control. Pile driving is also not considered to be a material planning consideration and has not been assessed during this report, this is considered to be a civil matter that will need to be addressed with the applicants.

Frinton and Walton Town Council support this application.

No other letters of representation have been received.

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. 09-1104-P2
Drawing No. 09-1204-P3
Drawing No. 09-1205-P3
Drawing No. 09-1206-P3
Drawing No. 09-1301-P3
Drawing No. 09-1302-P3
Drawing No. 09-1303-P3
Drawing No. 09-1304-P3

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