

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	08.02.2021
Planning Development Manager authorisation:	SCE	08.02.2021
Admin checks / despatch completed	CC	08.02.2021
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Application: 20/01764/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Daniel Clow

Address: 5 Beachcroft Avenue Kirby Cross Frinton On Sea

Development: Proposed single storey rear extension and loft conversion.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
29.01.2021

Recommends APPROVAL

2. Consultation Responses

Not Applicable

3. Planning History

20/01764/FUL Proposed single storey rear extension and loft conversion. 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 erection of a single storey rear extension and loft conversion.

Application Site

The site is located to the east of Beachcroft Avenue, within the development boundary of Frinton on Sea. The site serves a semi-detached bungalow finished in brickwork with a pitched tiled roof. The surrounding streetscene is comprised from dwelling of a similar appearance.

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 metres deep by 7.4 metres wide with an overall flat roof height of 3 metres. The proposal is deemed to be of an appropriate size and scale to the existing dwelling and surrounding area, with the application site retaining plenty private amenity space. The proposed extension will be constructed using materials in keeping with those of the existing dwelling, the exterior walls will be of a matching brickwork and the windows and doors of a matching white PVCU. The roof will be of a flat roof design, in keeping with that of the existing detached garage. The proposed extension will not be visible to the streetscene and is not considered to have any harm to visual amenity.

The proposed loft conversion will include the installation of three rooflights to the front of the dwelling and three rooflights to the rear of the dwelling. The roof lights are not deemed to have a significant effect on visual amenity and can be seen within surrounding street scenes, such as on Laburnum Crescent, the proposed roof lights are considered acceptable in terms of 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. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof does not intercept the centre of the window on the attached adjacent neighbouring dwelling in both plan and elevation. Any loss of light caused by the proposal is therefore not considered to be so significant as to justify refusing planning permission. Furthermore, the proposed extension will be largely shielded from this window by the existing fencing along the boundary line, lessening the impact on the loss of light caused by the proposal.

The extension is located away from the other shared boundary lines and will have no significant effect on loss of light to the other adjacent neighbouring dwellings.

The proposed extension is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy.

The proposed loft conversion will include the installation of three roof lights to the front of the dwelling and three to the rear. These rear rooflights will provide the dwelling with additional views of the neighbouring gardens. However, as these rooflights will serve a bedroom and bathroom, a non-primary living space, they are not deemed to have a significant effect on loss of privacy.

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

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 supports 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. BA/1 and Drawing No. BA/2

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

