

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	02.02.2021
Planning Development Manager authorisation:	SCE	02.02.2021
Admin checks / despatch completed	ER	03.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	03.02.2021

Application: 20/01789/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Dyson

Address: 35 Rainham Way Frinton On Sea Essex

Development: Proposed single storey rear extension and alterations to the existing garage.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
29.01.2021

Recommends APPROVAL

2. Consultation Responses

Not Applicable

3. Planning History

20/01789/FUL Proposed single storey rear extension and alterations to the existing garage. 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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 erection of a single storey rear extension and alterations to existing garage.

Application Site

The site is located to the north of Rainham Way, within the development boundary of Frinton-On-Sea. The site serves a semi-detached brick built bungalow with a pitched tiled roof. The surrounding streetscene is comprised from dwellings of a similar design and 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 5 metres wide and will have an overall height of 2.8 metres. The proposed extension is considered to be of a size and design in keeping with the existing dwelling and surrounding area, with the site retaining adequate private amenity space. The proposed extension will be finished in materials to match those of the existing dwelling, the exterior walls will be of a matching brickwork, the windows and doors of a matching UPVC and the roof will be of a flat roof design finished in felt, to match that of the existing garage. The proposed extension will not be visible to the streetscene and is not considered to have any harmful effect on visual amenity.

The proposed alterations to the existing garage will include the replacement of the garage door with a new window, and the use will change to an office / workshop, this is considered to be a minor alteration with no effect 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 proposed extension is to be constructed along the shared neighbouring boundary line west of the site (number 33 Rainham Way) however as it will not extend further than this neighbouring property it will have no effect on the loss of light. The proposal is to be constructed away from other shared boundary lines and will have no effect on the loss of light to the adjacent neighbouring dwellings.

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

The proposed alterations to the existing garage will have no effect on residential amenity.

Highway issues

The Proposal does include the loss of the existing garage use to be converted into an Office. However there is a large existing driveway at the front of the site. The proposal is considered acceptable in terms of highway safety.

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. PL01
Drawing No. PL02
Drawing No. PI12 Revision A
Drawing No. PL13 Revision A
Drawing Number PL20 Revision 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.

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