

DELEGATED DECISION OFFICER REPORT

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Application: 20/01777/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Ashley Fletcher

Address: 40 Waltham Way Frinton On Sea Essex

Development: Single storey rear extension and conversion of existing garage into internal space.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
29.01.2021

Recommends APPROVAL

2. Consultation Responses

N/A

3. Planning History

20/01777/FUL Single storey rear extension and conversion of existing garage into internal space. 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 2007

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

The proposal seeks permission for single storey rear extension and the conversion of the existing garage into additional internal space.

Application Site

The site is located to the North of Waltham Way within the development of Frinton on Sea. The site serves a two storey detached dwelling constructed of rendered brickwork with a flat roof. The surrounding streetscene is comprised from dwellings of differing design; materials present include mostly exposed 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 rear extension will measure 9.1 metres wide by 4 metres deep with an overall height of 3.2 metres. Whilst it is noted that the proposal is of a large size, it is deemed to be suitable to the site whilst retaining adequate private amenity space.

The proposed extension will be located to the rear of the property and therefore is mostly obscured from the streetscene, however the roof of the rear extension will be slightly higher than the existing garage. As the proposed is to be finished in a painted render consistent with the existing host dwelling, it is deemed that this would present a marginal impact on the visual amenity of the site and locale. The roof would be a flat roof construction with a parapet sky light fitted to allow for natural light into the space. The windows and doors will be made of black aluminium, which will replace the existing white UPVC windows of the host dwelling. This change in finish and material is deemed to be agreeable, as the dwelling has a modern construction which these alterations will be consistent with.

The proposed garage conversion, will require the removal of the existing garage door to be replaced with a window also constructed of black aluminium. This will be consistent with the other alterations to the property. The front elevation will also be finished in painted render, to ensure that visual impact of the garage conversion is reduced. The alteration is deemed to remain consistent with the host dwelling in both design and finish, which means the impact on the front elevation and surrounding streetscene would be limited. By converting the garage, the parking provision will inevitably become reduced. However there is space in front of the garage to park two vehicles, which remains consistent with the adopted car parking standards.

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 38 and 42 Waltham Way.

Impact on 38 Waltham Way

This dwelling is located to the East of the proposed development has an existing window to the rear of the property facing towards No. 40 and the location of the rear extension. Whilst this will be close to the proposal, the presence of the existing fence line suggests that the extension will not have a significant reduction of daylight to this window. In addition, as these neighbouring gardens are both north facing, the impact on sunlight provision would be negligible. The proposal does feature two porthole windows facing towards number 38, however these are deemed to not compromise the privacy 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. 38.

Impact on 42 Waltham Way

This dwelling is largely obscured by the presence of the existing boundary fence. As the proposal would have a single storey profile and feature no windows facing towards this dwelling. The proposal will not cause any reduction in daylight to this neighbouring dwelling, owing to the north facing nature of these gardens. 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. 42.

The impact of the proposal on neighbouring properties to the rear will also be negligible as the rear boundary features a thick collection of trees and bushes, which obscure the proposal from these dwellings.

Highway issues

Whilst the proposed garage conversion will cause a loss of parking within the existing garage, two off street parking spaces will remain to the front of the garage in accordance with adopted car parking standards.

Other Considerations

Frinton and Walton Town Council recommend approval.

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 plan; Drawing No.

- 40WW-003 Revision D

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.