

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	29/04/2021
Planning Development Manager authorisation:	SCE	05.05.2021
Admin checks / despatch completed	ER	05/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	05.05.2021

Application: 21/00449/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Belal Miah

Address: 110 Pole Barn Lane Frinton On Sea Essex

Development: Erection of single storey side/rear and rear extension with 2 no. glazed roof lanterns (following demolition of rear extension and conservatory)

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
04.04.2021

Recommends: APPROVAL

2. Consultation Responses

ECC Highways Dept
12.04.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google image dated April 2019. It is noted that the proposals do not alter the current vehicle access and parking arrangements and the existing property will retain one off-road vehicle parking space.

The Highway Authority does not object to the proposals as submitted.

Informative:

1: A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

2: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period.

3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

4: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

5: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3. Planning History

21/00449/FUL	Erection of single storey side/rear and rear extension with 2 no. glazed roof lanterns (following demolition of rear extension and conservatory)	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG9 Private Amenity Space
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice
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)

Application Site

The application site comprises of a two storey semi detached dwelling with existing driveway adjacent to the main house. The existing house has been constructed from brick with render to the side and rear. The dwelling itself is set back from the front boundary with a small area of patio to the front and to the rear is an existing conservatory and fencing along the neighbouring boundaries.

Proposal

This application seeks planning permission for the erection of single storey side/rear and rear extension with 2 no. glazed roof lanterns (following demolition of rear extension and conservatory).

Assessment

Design and Appearance

The proposal incorporates a side addition which will be a noticeable addition in Pole Barn Lane.

The proposal is of a single storey design which will be set back from the front boundary and front wall of the existing house reducing its prominence and preventing it from appearing as a prominent or harmful feature to the main house or within the streetscene.

The proposal will predominantly comprise of a flat roof with a small false pitched roof element to the front which will act as a design feature allowing it to appear better in keeping with the existing dwelling.

The proposal is of a suitable size and scale in relation to the main house and the materials proposed will match those used on the host dwelling.

The plots width is of a suitable size to support the proposal without it appearing cramped within the street scene.

Saved Policy HG9 of the Adopted Tendring District Local Plan states that where a house comprises of 3 or more bedrooms that a private amenity space of 100m² should be retained. The site itself has an existing private amenity space of approximately 104m² and the completion of the proposal will reduce this to approximately 60.1m². Whilst this new area will fall short of the above requirement on the balance of the minimal impact of the proposal in terms of visual amenity and as a "usable" space will still be retained at the site for the enjoyment of the occupants. It is therefore considered that the failure to comply with saved policy HG9 would not be so significant to refuse planning permission upon.

Highway Safety

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no. spaces should be retained at the site measuring 5.5m by 2.9m per space.

The driveway to the side of the house currently measures approximately 9.5m in length by 3.4m in width and therefore at present does not fully support two parking spaces in line with the above standards. It is also noted that there is a small section of land to the front of the house which measures 5.9m by 2.1m. The proposal will result in an impact to the existing adjacent driveway reducing its length to 6.6m and resulting in the loss of one of these spaces at the site encouraging the occupants to park one vehicle on the highway. It has been confirmed that at present the occupants only have access to one vehicle however for the purposes of completeness an assessment of the parking has still been carried out on this basis.

At present the sites parking does not conform to the aforementioned standards and as Pole Barn Lane is a residential road located away from the town centre with many occupants parking on front drives and some parking on the highway the introduction of potentially parking one vehicle on the road is considered acceptable to the sites surroundings and characterisation of the road preventing the proposal to contravene highway safety. The loss of parking in this instance would not be so significant to refuse planning permission upon.

Furthermore the Essex County Council Highways Team have been consulted and do not wish to object to the proposal.

Impact on Neighbours

The proposal will not result in a loss of privacy to the neighbouring sites as it is of a single storey design with no side facing windows.

The proposal will result in a loss of light to the neighbouring dwellings due to its depth and therefore the Essex Design Guides Sunlight/ Daylight calculations have been applied to the proposal. The 45 degree line in plan would encompass the neighbours rear openings however in elevation would only strike through a small section of these. The loss of light is therefore considered not so significant to refuse planning permission upon.

As a result of its depth and close proximity to boundaries the proposal will result in a loss of outlook to the neighbours rearward facing openings. However the proposal will measure 3m in height with a flat roof design with much of it will be screened by the existing boundary which reduce its impact to the neighbouring sites. The loss of outlook in this case would therefore not be so significant to refuse planning permission upon.

Other Considerations

Frinton and Walton Town Council have no objection to the proposal.

One letter of objection has been received from 108 Pole Barn Lane, of which the comments have been summarised and assessed below;

- Concerns over foundations and footings.

Unfortunately this is not a material planning consideration and is considered a Building Regulations matter which should be dealt with as in a civil fashion between the application dwelling and neighbouring site.

- Impact of light and outlook from existing conservatory.

This neighbour's existing conservatory has views out into the rear garden as well as openings along its side elevation facing the application site. The proposal will be noticeable from the side and rear of this conservatory resulting in a loss of light and outlook to both elements.

At present there is an existing fence sited along the boundary of the sites which already results in restricted outlook and light to this neighbour. The proposal will have some impact to these side views however as this neighbour's side conservatory already receives restricted light and outlook as a result of this fence it would be unreasonable to refuse planning permission on these grounds.

The proposal will protrude past this neighbour's conservatory and will be a noticeable addition from their conservatory. As stated in the above report the proposal passed the relevant calculations within the Essex Design Guide and concluded that the level of light lost would not be so significant to refuse planning permission on in this case. Furthermore the existing fence would also aid in screening much of the proposal from this neighbour's conservatory/ garden preventing in it resulting in a significant loss of outlook to this neighbour.

Finally, it is also noted that permitted development would allow for the existing boundary fencing to be increased in height to 2m or allow for a single storey rear extension of up to 6m in depth without the need for planning permission. Therefore due to the restricted views already obtained from this neighbour's conservatory and allowances of permitted development the proposal would not result in such a significant loss of light or outlook in this instance to refuse planning permission upon.

Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

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: No 01.

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.

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