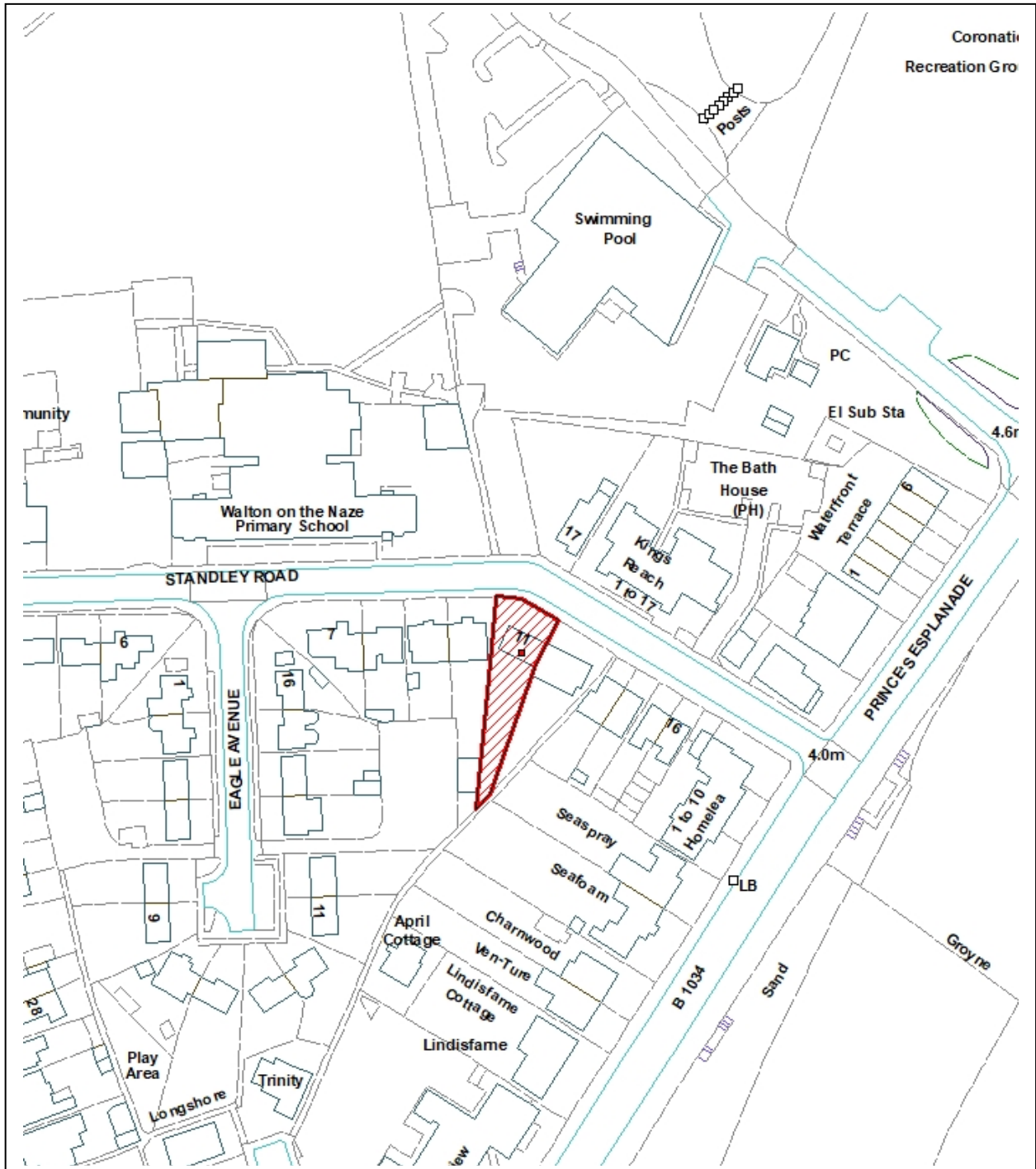


PLANNING COMMITTEE

8th June 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 21/00286/FUL – 11 STANDLEY ROAD WALTON ON THE NAZE CO14 8PT



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Application: 21/00286/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Emma Picking

Address: 11 Standley Road Walton On The Naze CO14 8PT

Development: Erection of two storey rear extension

1. **Executive Summary**

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The proposed extension will be located to the rear of the property and will be largely shielded from the streetscene by the existing dwelling. The extension is of a two storey nature and is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The use of matching materials will blend the development with the host dwelling and is not thought to have any significant adverse effect on visual amenity.
- 1.3 The proposed rear extension does not result in any significant loss of light or undue loss of privacy to the adjacent neighbouring dwellings and is considered to be acceptable in terms of residential amenities.

Recommendation: Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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| QL3 | Minimising and Managing Flood Risk |
| 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

PPL1 Development and Flood Risk

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

3. Relevant Planning History

18/01738/HHPNOT	Proposed single storey rear extension with flat roof, measuring 4m in depth and 2.5m in height.	20.11.2018
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4. Consultations

Not Applicable

5. Representations

Frinton and Walton Town Council support this application.

6. Assessment

Site Context

- 6.1 The application site is located towards the south of Standley Road inside the development boundary of Frinton on Sea. The site is also located within national flood zones 2 and 3. The site serves a semi-detached two storey dwelling finished in render with a pitched tiled roof.

Proposal

- 6.2 This application seeks planning permission for a two storey rear extension. The proposed extension will measure 3 metres deep by 6 metres wide with an overall pitched roof height of 8.2 metres. The proposed extension is of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The proposal will be designed using materials to match those of the existing dwelling, the exterior walls will be of a matching render with a pitched tiled roof and the windows and doors will be white UPVC. The proposal is of a design an appearance in keeping with the existing dwelling and surrounding area and will have no adverse impact on visual amenities.

Principle of Development

- 6.3 The principal of the development is considered acceptable as the proposal simply seeks to extend and improve the host dwelling. The main considerations are the design and impacts as set out below.

Flood Risk

- 6.4 The application site falls within flood zones 2 and 3. The proposed ground floor level of the extension will be the same as that of the existing dwelling which is in accordance with the Environment Agency's standing advice for 'Minor Extensions' within Flood Zones 2 and 3, which requires that '*...floor levels are either no lower than existing floor levels or 300mm above the estimated floor level*' and therefore considered acceptable. In addition, as a two-storey dwelling there will be a safe means of escape in the event of a flood event.

Appearance, Design and Visual Impact

- 6.5 The site is located in a residential area. The surrounding streetscene is comprised from a mixture of semi-detached two storey dwellings, apartment buildings and a primary school / pre-school.
- 6.6 The proposed extension is located to the rear of the property and will be largely shielded to the streetscene with limited views from the gap between the host site and neighbouring dwelling towards the west of the site. The proposed extension is considered to be of a size and scale appropriate to the existing dwelling and surrounding area with the use of matching materials blending it in with the existing dwelling with no adverse impact on visual amenities.
- 6.7 The proposed rear extension is therefore considered to be acceptable in terms of design and appearance.

Impact on Residential Amenity

- 6.8 The proposed rear extension will be constructed approximately 0.7 metres from the shared neighbouring boundary line east of the site. Due to its close proximity to this dwelling guidelines set out within the Essex Design Guide have been applied to this application. 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 would not intercept the neighbouring dwelling to the east in both plan and elevation. Any loss of light that may be caused by the proposal is therefore not considered to be so significant as to justify refusing planning permission.
- 6.9 Due to its positioning within the site the proposal will not have a significant effect on the loss of light to the adjacent neighbouring dwellings.
- 6.10 The proposal will include the installation of two rear windows at first floor levels. These windows will provide the dwelling with views of the neighbouring properties and therefore result in a degree of loss of privacy to these dwellings. However, as the existing dwelling already has windows at first floor level located at the rear, the installation of these new windows will not be providing the dwelling with any new additional views, the loss of privacy is therefore not considered to be so significant as to justify refusing planning permission. There are no new windows proposed at first floor level on the side elevations. The proposal is, therefore considered to have no significant impact on loss of privacy to the adjacent neighbouring dwellings.
- 6.11 The proposed rear extension is considered to be acceptable in terms of residential amenities.

Highway Safety/Parking

- 6.12 The proposal neither generates an additional need for parking nor decreases the parking provisions at the site and will not impact on highway safety.

7. Conclusion

- 7.1 The application is recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

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 Number A2020-50-02.

Reason – For the avoidance of doubt and in the interests of proper planning.

8.3 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.

9. **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and

freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.