

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	23.06.2021
Planning Development Manager authorisation:	TF	24/06/2021
Admin checks / despatch completed	CC	25.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	25.06.2021

Application: 21/00801/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Ashley Fletcher

Address: 40 Waltham Way Frinton On Sea Essex

Development: Erection of single storey side and two storey rear extension

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
04.06.2021

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.	Approved	01.03.2021
21/30114/PREAPP	Proposed first floor rear extension.		10.05.2021
21/00801/FUL	Erection of single storey side and two storey rear extension	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

HG9 Private Amenity Space

HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application Site

The site is located within the development boundary of Frinton on Sea, so there is no 'in principle' objection to adding further extensions to the single family dwellinghouse, subject to criteria. 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.

A single storey rear extension and garage conversion was previously approved (20/01777/FUL), so this section of the proposal will not be assessed.

The proposal would create a first floor extension above the one previously approved to create additional space for a master bedroom and en-suite. The first floor section would feature three windows, one for the en-suite facing the neighbouring boundary, one facing the rear garden and an additional corner window toward the north east. The en-suite and master bedroom corner window will be obscure glazed to ensure the privacy of neighbouring dwellings is preserved. The design of the first floor element with its flat roof and painted render would be consistent with the Art deco style of the property. As the proposal would be located to the rear of the dwelling, the impact of the proposal on the visual amenity of the streetscene is deemed to be minimal.

The proposed first floor extension would measure 5.5 metres wide by 3.8 metres deep with an overall height matching the existing roofline. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining ample private amenity space. The design is also consistent and sympathetic to the existing host dwelling materials.

The proposed extension will be located to the rear of the property so would be entirely obscured from the streetscene by the existing dwelling. The proposal will be finished in render, with black aluminium framed windows and doors, which will be consistent with the existing dwelling. The roof will be a flat roof construction, finished in felt to remain sympathetic to the art deco style of the property.

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

The Essex Design Guide makes reference to The Building Research Establishments report “Site Layout 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 two storey rear extension would catch less than half of the window to the side of No. 38. As a result the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

This dwelling is located to the East of the proposed development and has an existing window to the rear of the property facing towards No. 40 and the location of the proposed extension. However, as the first floor extension is set away from the boundary, it is deemed that light provision to this window would not be adversely affected. The proposal does feature a corner window, which has been partially obscure glazed along the boundary section, to ensure the privacy of this neighbouring dwelling is preserved. 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 located to the west of the proposal; however, there is adequate separation distance between the two dwellings. Whilst the proposal would have a two-storey profile, it is not deemed to compromise the light provision to the existing windows of this neighbouring dwelling. The proposal will feature a side-facing window on this elevation, however it serves the en-suite and has been obscure glazed to ensure the privacy of this dwelling is protected. 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

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

One letter of representation has been received from a neighbour, highlighting concerns over the impact of the proposal on light provision. However, based on the reasoning above it is deemed that the proposal is consistent with the adopted standards.

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.

- 40WW - 004 – 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.