

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	21.07.2021
Planning Development Manager authorisation:	SCE	23.07.2021
Admin checks / despatch completed	CC	23.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	23/07/2021

Application: 21/01087/HHPNOT **Town / Parish:** Frinton & Walton Town Council

Applicant: Zoe Manning

Address: 106 Kirby Road Walton On The Naze Essex

Development: Erection of single storey flat roof extension. (Height: 3m, Depth: 4.25m)

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL NOTED
19.07.2021

2. Consultation Responses

N/A

3. Planning History

03/01370/FUL	Demolition of existing dwelling and replacement with two dwellings and one new vehicular access	Withdrawn	27.08.2003
04/00478/FUL	Demolition of existing dwelling and replacement with two dwellings and one new vehicular access.	Approved	21.04.2004
21/01087/HHPNO T	Erection of single storey flat roof extension. (Height: 3m, Depth: 4.25m)	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

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

SP7 Place Shaping Principles

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

A Prior notification has been received by Tendring District Council in relation to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A for the erection of a single storey flat roof extension. (Height: 3m, Depth: 4.25m).

Representations

Two letters of objection have been received from the neighbours at 104 and 108 Kirby Road, these letters raised concerns with the scale of the proposal and the impact this will have on loss of light to their dwellings.

Assessment

As a result of the objection the impact of the proposed development on the amenities of all adjoining premises must be assessed; not just the amenity of those who submitted objections to the proposals.

Impact on 104 Kirby Road

The proposed extension will be located to the rear of the property; it will measure approximately 4.25 metres deep, 9.2 metres wide and will have an overall height of 3 metres. The proposal will be constructed away from the boundary line of the neighbouring property to the east (number 104

Kirby Road), with approximately 1.8 metres separating the two dwellings. It is noted that the proposal would replace an existing conservatory which features a brick wall along the boundary side, and would represent a marginal increase in height. The side kitchen window referenced by the occupier of number 104, is predominantly shaded currently owing to the north facing nature of the gardens, thus the impact of the proposed change is deemed to be minimal. As a result, the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission. As the proposal is only single storey all windows will be at ground floor level so will not pose a significant risk of overlooking, furthermore, the proposed extension will be partially shielded by the existing boundary fence line. The proposal is, therefore, considered to have no significant impact on daylighting and privacy or cause any other harm to the amenities of this neighbouring property.

Impact on 108 Kirby Road

The proposal would feature no side-facing window, which could potentially impact on neighbour privacy. The impact of the proposal on daylight provision is deemed limited, as this dwelling is located approximately 3.7 metres from the proposal, and there is a mature hedge line screening the proposal along the boundary. As a result, it is deemed that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of 108 Kirby Road.

As a result, it is deemed that the proposal would not have any significant impact on the loss of privacy nor daylight nor to cause any additional harm to the amenities of the adjacent neighbours.

The proposal is therefore considered to be consistent with the above mentioned Order and is classed as permitted development.

6. Recommendation

HHPN - Prior Approval Not Required

7. Conditions / Reasons for Refusal

1 Drawing 'BKR-01 A' (Received 25th June 2021)

8. Informatives

N/A