

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	07.09.2021
Planning Development Manager authorisation:	SCE	08.09.2021
Admin checks / despatch completed	DB	09.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09/09/2021

Application: 21/01278/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Martin Cutts

Address: 43 Hadleigh Road Frinton On Sea Essex

Development: Proposed single storey side extension and new front dormer.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
09.08.2021

Recommends: APPROVAL

2. Consultation Responses

Not Applicable

3. Planning History

21/30009/PREAPP Proposed dormer window to front of house. 05.03.2021

21/01278/FUL Proposed single storey side extension and new front dormer. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

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

SP7 Place Shaping Principles

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a single storey side extension and new front dormer.

Application Site

The site is located towards the north of Hadleigh Road, within the development boundary of Frinton on Sea. The site serves a semi-detached two storey dwelling finished in brickwork and render with a pitched tiled roof. To the front of the site is a paved hardstanding and lawn area with some shrubbery. The surrounding streetscene is comprised from dwellings of a similar appearance.

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 Policy QL11 and emerging Policy SP1 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.

The proposed side extension will be located to the east of the site. It will measure 2.3 metres wide at its front elevation and 3.6 metres at the rear. It will measure 12.4 metres deep with a maximum roof height of 3.5 metres. The proposed extension is considered to be of a size and scale in keeping with the existing dwelling with the application site retaining adequate private amenity space. The proposed extension will result in the host dwelling stretching across the entire width of the site to the front elevation, however this is also the case of the neighbouring dwelling to the east and so will not appear out of character with the streetscene. Furthermore the single storey nature of the extension lessens its overall impact and does not cause the dwelling to appear cramped within its plot. The extension will be finished in a brickwork matching to that of the existing dwelling, the roof will also be finished in a matching roof tile. The proposal will therefore blend with the existing dwelling and is not considered to have any adverse effect on visual amenity.

The proposed dormer will measure 2.3 metres deep, 1.4 metres wide and 1.9 metres in height. It will be located towards the west on the front elevation and will therefore be visible to the streetscene. The dormer will be finished in vertical tiles with a pitched tiled roof to match the existing dwelling. The dormer is considered to be of a modest size and of an in keeping design and appearance to the host dwelling and surrounding streetscene. It therefore has no significant harmful impact on visual amenities.

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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed side extension is to be constructed along the boundary line east of the site, it will not extend further than this neighbouring dwelling and therefore has no significant impact on the loss of light. The proposal is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to neighbouring dwellings. The proposed side extension is therefore considered acceptable in terms of residential amenities.

The proposed front dormer will provide the dwellings with views of the streetscene only. As this is a public area it cannot be said to have any impact on loss of privacy or residential amenities.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Frinton and Walton Town Council recommend approval on this application.

One letter of representation has been received from a member of the public as follows;

“Comment: The current submission does not consider the rendered brick wall which divides our properties. Our previous owners installed it in 1998 on our land. Therefore, it is not a shared boundary wall.

We have not given consent to remove our wall at this time as we have several concerns. First, the wall also runs along the front of our property. Our neighbours are proposing to remove a section of the wall, which could damage its integrity. Second, removing the wall means we won't have security at the front of the property (two gates & wall removed); & our young children's safety & security is compromised in our back yard.

If we agree to a part-removal of our wall, we expect:

1. A party wall surveyor to be instructed at their cost to ensure the integrity of our foundations & the remaining wall is not compromised;
 2. The boundary marked out & agreed on any to-scale plans before work commences;
 3. Any new building installation sits within their boundary, including guttering. Guttering must not sit on or overhang our boundary;
 4. The installation of temporary fences to provide safety for our children & protect against intruders;
 5. Any wall facing our property is rendered & painted to match what we already have in place;
 6. Any damage/alterations to our landscaping is reinstated as it currently exists;
 7. Any shortfall from the new wall to the wooden fence at the back-end is made good (fence to match existing);
 8. The two side gates are replaced & fitted like-for-like (paint & finish) at their cost. Wider gates may be required;
 9. Continued monitoring of any works to check our building & boundary wall is not compromised. We reserve the right to deny consent to the removal of our wall. Plans may need to be redrawn to accommodate that. We expect a party wall surveyor & monitoring to ensure the wall's integrity is uncompromised.
- Any agreement between us & the neighbour will need to be signed by all parties and preferably overseen by a solicitor & buildings regulator.”*

Officer Response – The agent has since confirmed that the plans do not require the removal of this neighbouring wall. Should any boundary disputes / damage / need for upkeep arise these are considered to be a civil matter and should therefore be resolved as such.

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. 6926/2
- Drawing No. 6926/3
- Drawing No. 6926/4

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO