

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | AP       | 18/8/2021  |
| Planning Development Manager authorisation:                 | JJ       | 19/08/2021 |
| Admin checks / despatch completed                           | DB       | 19.08.2021 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC       | 19.08.2021 |

**Application:** 21/00443/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Anthony Morris

**Address:** Rose Cottage 147 Frinton Road Kirby Cross

**Development:** Proposed single storey side extension with pitched roof and proposed porch/WC

### 1. Town / Parish Council

FRINTON & WALTON TOWN COUNCIL  
26.04.2021

Recommends: APPROVAL

### 2. Consultation Responses

n/a

### 3. Planning History

|                 |  |           |            |
|-----------------|--|-----------|------------|
| 96/01329/FUL    | Single storey extension to enlarge existing kitchen  | Approved  | 02.01.1997 |
| 05/01553/OUT    | Bungalow at 147 Frinton Road   | Refused   | 19.12.2005 |
| 06/00409/OUT    | Bungalow   | Withdrawn | 21.06.2006 |
| 06/01409/OUT    | Bungalow to the rear of 147 Frinton Road (namely 149 Frinton Road).  | Approved  | 16.11.2006 |
| 07/00242/DETAIL | Bungalow to the rear of 147 Frinton Road (namely 149 Frinton Road).  | Refused   | 02.05.2007 |
| 07/01002/DETAIL | Bungalow to the rear of 147 Frinton Road (namely 149 Frinton Road).<br>Approval of reserved matters following outline approval 06/01409/OUT. | Approved  | 21.08.2007 |
| 21/30010/PREAPP | Proposed single storey side extension with pitched roof and proposed porch/WC.   |           | 12.02.2021 |
| 21/00443/FUL    | Proposed single storey side extension with pitched roof and proposed porch/WC  | Current   |            |

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2021  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)  
QL11 Environmental Impacts and Compatibility of Uses (part superseded)  
HG9 Private Amenity Space

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 26<sup>th</sup> 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 10<sup>th</sup> 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 26<sup>th</sup> 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than

75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **5. Officer Appraisal**

### Proposal

This application seeks permission for a single storey pitched roof side extension replacing the existing conservatory and porch incorporating a wc at the front of the end of terrace cottage which is located within the settlement development boundary of Frinton on Sea.

### Design and Appearance

The single storey side extension will replace the existing sun lounge albeit a larger footprint. The mono pitch roof will join it effectively to the two storey element of the dwelling and will use matching roof tiles and timber fenestration to match the existing dwelling. The finish proposed is render which will ensure the extension blends with the existing dwelling. The porch is a minor addition at the front of the house and will also use matching materials to complete the finish. The side extension and porch will be visible from Frinton Road however the set back position of the side extension and scale of the porch will ensure there is no significant impact to the street scene. The proposals are in keeping with the character of the existing dwelling and immediate area.

### Impact on Residential Amenity

The position of the single storey side extension and the porch means that they will not have a significant effect on any neighbouring properties in terms of loss of light, privacy or outlook. 98 square metres of private amenity space will remain at the rear of the dwelling which is considered adequate and the proposal does not interfere with the existing space for off road car parking.

### Other Consideration

Frinton and Walton Town Council recommend approval of the application.

One representation has been received which raises the following concern:

- Entrance and exit at the bottom of the drive to my property 149 Frinton Road and the parking area in the back garden of 147. This has never appeared on any drawings before and also the shaded area in my front garden.

Officer Comment: *The configuration of the driveway and parking for numbers 147 and 149 was approved as part of the reserved matters application reference 07/01002/DETAIL for the new bungalow of 149 Frinton Road. The shaded area mentioned forms part of the access and is evident on legal documents pertaining to the sale of 149 Frinton Road.*

No other letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the 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 plans:

Proposed Block Plan 1:500

Drawing titled 'Proposed Ground Floor Extensions'

Drawing showing proposed front and rear elevation of store/workshop/utility

Drawing showing proposed porch floor plan and sections

Drawing showing proposed north east side elevation

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.

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