

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	16/12/2021
Planning Development Manager authorisation:	SCE	04.01.2022
Admin checks / despatch completed	ER	05/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

Application: 21/01916/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Ryan Fitzgerald

Address: 3 Sherborne Close Kirby Cross Frinton On Sea

Development: Proposed single storey rear extension.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL Recommends - Approval
13.12.2021

2. Consultation Responses

Not applicable

3. Planning History

16/01148/FUL	Single storey rear extension to form garden room.	Withdrawn	02.08.2016
21/01916/FULHH	Proposed single storey rear extension.	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Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)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
SPL3 Sustainable Design

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. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two storey detached dwelling which has been constructed from brick. The house is set back from the boundary with a front double garage and driveway and vehicular access and porch. Sited to the rear the garden area is laid to lawn with a small patio area which is boarded by fencing along the shared boundaries. There is also a small outbuilding and timber frame at the rear of the house.

Proposal

This application seeks permission for the erection of a single storey rear extension. The applicant confirmed on the officers site visit that grey render would be used in the finish of the proposal.

Assessment

Design and Appearance

The proposal will be largely to the rear and predominantly screened by the host dwelling however due to gaps between houses some elements of the new extension will be publicly visible. These views of the extension are likely to be very minor and will not detract from the character and appearance of the existing house or streetscene.

The proposed extension is of a suitable size and scale in relation to the existing house and will be finished in grey render. Whilst the use of grey render will differ from the brick on the existing house as the extension will be largely to the rear with minimal impact upon the streetscene the use of such is considered acceptable in this instance.

The site is of a large enough size to accommodate the proposal and still retain appropriate levels of private amenity space.

Impact on Neighbours

The proposed extension will be sited sufficient distance away from the neighbouring boundaries to the north and west as well as largely screened by existing boundary fencing preventing the loss of any residential amenities to these sites.

The proposal will be most noticeable to the southern neighbour and will maintain a distance of 1m between it and this shared boundary. The proposal will also have a low eaves height of 2.5m and incorporate a pitched roof design to reduce the impact on this neighbour. Whilst the proposal will be visible from this neighbour's rear window it will be largely screened by the existing fence and is of a design and distance away from the shared boundary to reduce the impact it would have on this neighbour's amenities. As a result any loss of light or outlook as a result of the proposal would not be so significant to refuse permission upon in this instance.

This neighbour does have one side opening which currently looks onto the side of the application dwelling receiving little to no light or outlook. The proposal will limit this further however given this window's current positioning and the limited views/ light already received it would be considered unreasonable to refuse planning permission on this grounds.

This side elevation of the proposal is also absent from any windows and will therefore not result in a loss of privacy to this neighbour.

Other Considerations

Frinton and Walton Town Council recommend approval for the application. There have been no letters of representation received.

Conclusion

In the absence of material harm resulting from the proposed 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 plan:

DWG/RF/201607/03

DWG/RF/201607/01

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.