

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The house comprises of a two storey end terraced dwelling located within the development boundary of Walton. The house is finished in render and is currently undergoing repair work. The site benefits from an existing rear garden with fencing along the shared boundaries with a footpath which runs along the rear boundaries of this site and its neighbours. The house has an existing extension previously approved under planning reference 18/00782/FUL.

Proposal

This application seeks planning permission for a new rear balcony with side staircase. The application has since been amended to show the staircase to the side and a new screening panel sited along the shared boundary with the adjoining neighbour. Amended plans have been provided and a further neighbour consultation has been carried out.

Assessment

Design and Appearance

The proposal is of a suitable design and scale in relation to the main house and will consist of a steel stair case and balcony with glass balustrading. The plans also show a screening panel to be placed inbetween the application house and adjoining neighbour.

The proposed balcony will be to the rear and therefore not publicly visible with the staircase protruding beyond the side wall. The house itself is the last in the row of terraced dwellings leading to an unused area of land. The end of Saville Street meaning not a lot of users will pass this house. Whilst the staircase will be visible from Saville Street it will be set back from the front wall of the house which will reduce its prominence and given its location will attract only very minimal views to the public using this part of the road.

Despite its overall design given the limited impact it will have in terms of visual amenity the staircase is considered not to result in such a significantly harmful impact that would warrant refusing planning permission upon.

Impact to Neighbours

There are no neighbours to the north of the site.

The proposal will not result in a loss of light or outlook to the neighbour to the south of the site due to its nature and siting.

The proposal will result in views from users of the balcony into the neighbouring properties rear garden. In order to reduce this impact the plans provided have now been amended to show a new 1.7m screening panel which will be placed along the shared boundary. The staircase has also been repositioned so that it is to the side of the house away from this neighbour. These amendments will reduce the level of overlooking to this neighbours garden meaning that views will only be achieved towards to the rear element of their private amenity space and given that the site and surrounding dwellings are all two storey all of these gardens are already overlooked. The amendments are therefore considered to be acceptable and reduce overlooking to neighbours. Any further overlooking would not be so significant to refuse planning permission upon in this case.

Full details have not been provided of the screening panel (ie materials etc) therefore a condition will be imposed requesting these prior to the first use of the balcony and for the screening to retained thereafter.

Flood Risk

The applicants wish to reconfigure the house to allow for bedrooms to the ground floor and a kitchen at first floor. The new balcony and staircase will provide additional access to the first floor allowing its compliance with Building Regulations.

A Flood risk assessment has been provided which details mitigations measures to be taken for the proposal.

The proposal will therefore will not have a harmful impact in terms of flood risk.

Other Considerations

Frinton and Walton Town Council recommend approval.
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: 210120-3 002A

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to first use of the approved balcony and staircase full details of the proposed 1.7m screening panel as indicated on Drawing Number 210120-3 002A shall be provided and agreed in writing with the Local Planning Authority. Once agreed the screening panel shall be retained in accordance with such details thereafter,

Reason - To protect the privacy and amenities of the occupiers of neighbouring property.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.