

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	27.04.2022
Planning Development Manager authorisation:	AN	28/04/22
Admin checks / despatch completed	DB	28.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	28.04.2022

Application: 22/00306/LUPROP **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr John Wiffen

Address: 28 Holland Road Frinton On Sea Essex

Development: Proposed demolition of existing conservatory and supporting structure due to subsidence and erection of new conservatory.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL Noted
14.03.2022

2. Consultation Responses

Not Applicable

3. Planning History

TPC/97/41	Fell 1 Poplar, reduce 4 Poplars	Current	17.07.1997
01/00320/TCA	Cut back Conifer rear of garage and reduce height by 3 feet	Approved	21.03.2001
03/00078/TCA	Reduce height of one Cupress tree by 6ft-7ft (2 metres)	Approved	06.02.2003
04/01722/FUL	Conservatory extension	Approved	15.11.2004
07/01881/TCA	1 No. Cupressus leylandii - fell. 2 No. Poplar - fell	Approved	10.12.2007
10/00760/TCA	7 No. conifers - front garden - fell	Approved	26.07.2010
22/00306/LUPRO P	Proposed demolition of existing conservatory and supporting structure due to subsidence and erection of new conservatory.	Current	

4. Relevant Policies / Government Guidance

Not Applicable

Status of the Local Plan

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 application site refers to a detached 1.5 storey dwelling located to the north of Holland road, within the settlement development boundary of Frinton, Walton and Kirby Cross. The site is also located within the Frinton and Walton Conservation Area.

Description of Proposal

This application seeks the issuing of a Lawful Development Certificate for the proposed development of a rear conservatory. The plans have been amended to reduce the depth of the proposed conservatory.

A lawful use certificate is, 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes'.

Main considerations are;

- Planning History;
- General Permitted Development Order
- Conclusion.

Planning History

No conditions have been found on any previous application relating to the site which restrict permitted development rights.

The application site therefore benefits from permitted development rights.

General Permitted Development Order

Class A - the enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted if as a result of the works;

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Not Applicable. **The proposal complies.**

- (b) the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area covered by the proposal and existing building will not exceed 50% of the total area. **The proposal complies.**

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the proposed extension will not exceed the height of the highest part of the roof of the existing dwellinghouse. **The proposal complies.**

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The eaves height of the proposed extension will not exceed that of the existing. **The proposal complies.**

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which
- (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposal will not extend beyond a wall which fronts a highway and forms either the principal or side elevation of the original dwellinghouse. **The proposal complies.**

- (f) **subject to paragraph (g)**, the enlarged part of the dwellinghouse would have a single storey and—
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres. **The proposal complies.**

- (g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposal is on article 2(3) land. Not Applicable.

- (h) the enlarged part of the dwellinghouse would have more than one storey and would—
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;”.

The proposal is single storey. **The proposal complies.**

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The height of the eaves do not exceed 3 metres. **The proposal complies.**

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would

- (i) exceed 4 metres in height,
- (ii) have more than one storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

The proposal does not form a side elevation. **The proposal complies.**

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

Any total enlargement does not exceed the limits set out above. **The proposal complies.**

- (k) it would consist of or include —
- (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iii) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include the installation of those elements mentioned above. **The proposal complies.**

- (L) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The dwelling house was not built under part 20 of this Schedule. **The proposal complies.**

A.2 In the case of a **dwellinghouse is on article 2(3) land** development is also not permitted by Class if —

- (a) it would consists of or include the cladding of any part of the exterior of the dwellinghouse with, artificial stone, pebble sash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).”;

The dwellinghouse is located on Article 2(3) land as it is located in the Frinton and Walton Conservation Area. The extension will be constructed using brickwork to match the existing dwelling. The proposal does not form a side elevation. The proposal is single storey. Any total enlargement does not exceed the limits set out in sub-paragraphs (b) and (c) **The proposal complies.**

A.3 Conditions

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal will be constructed using materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. **The proposal complies.**

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be
- (j) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.”;

Not applicable.

Other considerations

Frinton and Walton Town Council provided no comments on the application.

Conclusion

It is therefore concluded that the proposed side extension is permitted development and therefore a Certificate of proposed Lawful Development can be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

Not applicable

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