

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	03.04.203
Planning Manager / Team Leader authorisation:	JJ	05/04/2023
Planning Technician final checks and despatch:	CC	05.04.2023

**Application:** 23/00193/FULHH **Town / Parish:** Frating Parish Council

**Applicant:** Mr Alex Jones

**Address:** 36 Tokely Road Frating Colchester

**Development:** Proposed first floor side extension over existing converted garage. Extended area to be finished in Weatherboard Cladding. New dual pitch roof.

### **1. Town / Parish Council**

Frating Parish Council      No comments

### **2. Consultation Responses**

Not applicable

### **3. Planning History**

95/00477/FUL	Erection of 68 No. dwelling houses and garages, construction of estate roads and ancillary works	Approved	15.08.1995
96/00059/FUL	Change of previously approved house types on plots 18, 22, 23, 29, 32, 33, 35, 37, 41 to 44, 49 to 51 and 61 together with the re-siting of house types on plots 17, 27 and 48 (variation to planning permission TEN/95/0477)	Approved	20.02.1996
05/00292/FUL	Proposed conservatory and garage conversion to home office space	Approved	22.04.2005
10/60006/HOUEN Q	Conversion of existing roof space into a bedroom		08.09.2010
10/01059/FUL	Insertion of 2 No. dormer windows on the rear roof slope to facilitate conversion of roof space to provide living accommodation.	Approved	04.11.2010
23/00193/FULHH	Proposed first floor side extension over existing converted garage. Extended area to be finished in	Current	

Weatherboard Cladding. New dual pitch roof.

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

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

#### **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)**

##### Proposal

This application seeks permission for the erection of a first floor side extension over the existing converted garage. The extended area will be finished in weatherboard cladding with a new dual pitched roof.

##### Application Site

The site serves a detached two-storey dwelling located to the north of Tokely Road, within the settlement development boundary of Frating.

##### Assessment

##### Design and Appearance

The side extension will be visible to the public views of the streetscene. It will be positioned above the existing garage conversion and is of roughly the same footprint, it will therefore be constructed along the shared neighbouring boundary line. Despite the proximity of the extension to the neighbouring dwelling west of the site the proposal is not considered to cause the dwelling to

appear overly cramped within its plot because of its location in relation to the siting of the neighbouring dwelling, adequate distance will be maintained between the two buildings due to the positioning of the host dwelling and the neighbouring dwelling (latter angled away from host property). The proposed side extension is therefore deemed to be of an acceptable size and scale.

The first floor side extension will be finished in weatherboard cladding with a pitched tiled roof to blend with the appearance of the host dwelling. It will be of a lesser height as to appear subservient and lessen any potential harmful impacts on the visual amenities of the area. The proposal is considered to blend with the host dwelling and its locality and is of an acceptable design and appearance.

#### Impact on neighbouring Amenities

There are no proposed side facing or rear facing windows at first floor level. The proposed extension therefore has no effects on the loss of privacy as the front facing window does not provide views overlooking into any private amenity areas.

Due to the siting of the neighbouring dwelling to the west of the site (angled away), and in relation to the host dwelling, the proposal will have no impact on the loss of light to this dwelling. The extension is not located immediately adjacent to any other neighbouring dwelling and will have no impact on the loss of light.

#### Highway Issues

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

#### Other Considerations

Frating Parish Council have made no comments on the application.

No other letters of representation have been received.

#### 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 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk

of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No. 0038-A-001

Drawing No. 0038-A-002

Drawing No. 0038-A-201 01

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

### NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## 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? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO