

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	19/05/2023
Planning Manager / Team Leader authorisation:	AN	25/05/23
Planning Technician final checks and despatch:	ER	25/05/2023

**Application:** 23/00481/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Luke Betts

**Address:** 44 Dugmore Avenue Kirby Le Soken Frinton On Sea

**Development:** Erection of single storey side extension following demolition of existing garage.

**1. Town / Parish Council**

FRINTON & WALTON  
TOWN COUNCIL

Recommends - Approval

**2. Consultation Responses**

Not required

**3. Planning History**

23/00481/FULHH	Erection of single storey side extension following demolition of existing garage.	Current
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**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  
CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**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 comprises of a detached bungalow type dwelling within the development boundary. The house is set back on its plot with space for parking to the front and side. There is also a rear garage.

The surrounding area comprises of predominantly bungalows which all have garages to the side and set behind their front elevations.

### Proposal

This application seeks planning permission for the erection of a single storey side extension following demolition of the garage.

The plans have since been amended to show a slight set back in the positioning of the garage so it is further behind the front wall of the main house. The roof of the garage has also been amended to reduce the angle of the slope so it appears better in relation to the main house.

### Representations

There have been three letters of objection received in regards to the proposal raising the following concerns;

- Significant loss of light and outlook to side facing window.

The below report will address these concerns.

### Assesment

#### Design and appearance

The proposed addition will be sited to the side of the existing house and therefore a noticeable addition to the main house.

The addition will be set back from the front boundary of site and front wall of the main house which will reduce its prominence within the streetscene. The use of matching materials and a lower roof with equating eaves height will allow for the proposed addition to appear subserviently to the main house preventing it from resulting in a harmful impact to the appearance/ character of the host dwelling of locale.

The proposal is of a size and design in regards to the main house and will be finished in materials which are consistent with the host dwelling.

The proposal is therefore a suitable addition to the main house which would not adversely impact the appearance/ character of the host dwelling or locale.

#### Impact to Neighbours

The proposal will be sited sufficient distance from the eastern neighbour and predominantly screened by the host dwelling preventing a loss of amenities to this neighbour.

The proposal will be visible to the neighbour to the west and will extend past the neighbours rear elevation by only 0.7m as well as being stepped in slightly from the boundary. The minor slope in the roofs design will mean that the extension is 2.8m in height which will allow it to be predominantly screened by existing boundary fencing. Whilst the proposal will be visible from this neighbours rear openings given that the part which will extend past the rear wall will be minor it would not result in a significant loss of light or outlook to this neighbour.

The neighbouring dwelling of 42 Dugmore Avenue is a bungalow of a similar design with side driveway and is set marginally lower than the host dwelling. This dwelling has an existing window which is obscure glazed and sited within its side elevation which faces the host dwelling and its driveway. This window is a secondary window serving the neighbour's living room with the main south facing window onto a conservatory to the rear. The proposed extension will be sited around 21cm in off the boundary and will therefore result in a loss of outlook and light to this window. This window is east facing with its outlook already significantly restricted by the obscure glazing and the

facing flank and garage of the host bungalow, the proposal would not therefore result in a significant loss of outlook to justify refusing planning permission on these grounds.

The light to this window is restricted by it being east facing but it is acknowledged from the objections that the neighbour greatly values the natural light that this window currently provides to the rear of the living room. However, this is a secondary and obscure glazed window and it is not the main light source serving the living room – the main window is on the southern elevation and therefore receives maximum daylight and sunlight. It is therefore considered that the loss of light that will result to this secondary window by virtue of the close siting and depth of the proposed extension, would on balance not be so significant as to justify refusing planning permission on the grounds of harm to the neighbour's amenity as the main south facing window would not be materially affected.

It is also acknowledged that such an extension would often be permitted development due to its low height, but in this case as it exceeds half the width of the dwelling planning permission is required.

The proposal does not include any side facing window and will be single storey in design preventing a loss of privacy to neighbouring sites.

#### Highway Safety

The Essex County Council parking standards states that where a house comprises of two or more bedrooms that 2no off street parking spaces should be retained at the site which measure 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 3m by 7m. The existing garage does not meet the above standards at present and the proposal will also fall short of these.

The proposed extension will be sited to the side of the main house on the existing driveway resulting in a loss of parking at the site however the house is set back from its front boundary with sufficient space remaining to the front of the house to accommodate the parking of two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

#### Other considerations

Frinton and Walton Town Council recommend approval.

One further letter of representation has been received not objecting to the scheme however requesting building vehicles do not park in front of their driveways.

This is a civil matter which should be addressed with the applicant should it become a significant disruption. The vehicles associated with the works should only be on site for a short period whilst works complete.

#### Conclusion

The proposal is considered acceptable in accordance with national and local policy. Whilst there will be some impact to the amenities of the nearest neighbour this impact has been thoroughly assessed in the above report and is considered not so significant to refuse permission upon in this instance. The application is therefore recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

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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 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.