

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	19/05/2023
Planning Manager / Team Leader authorisation:	ML	30/05/2023
Planning Technician final checks and despatch:	CC	30.05.2023

Application: 23/00528/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Richard Osborne

Address: 21 Baynards Crescent Kirby Cross Frinton On Sea

Development: Proposed erection of a summer house in rear garden.

1. Town / Parish Council

FRINTON AND WALTON TOWN COUNCIL Recommends - Approval - subject to acceptable soak away into conditions.

2. Consultation Responses

Not required

3. Planning History

19/01449/FUL	Demolition of garage and proposed ground floor side and rear extension.	Approved	20.11.2019
20/01595/FUL	Demolition of garage and proposed single storey rear extension and two storey side extension.	Approved	25.01.2021
23/00528/FULHH	Proposed erection of a summer house in rear garden.	Current	

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

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 two-storey detached dwelling within the development boundary of Frinton. The site benefits from a rear garden comprising of a mixture of patio and lawn areas and sited along the boundaries is existing fencing.

Proposal

This application seeks planning permission for the erection of a summer house in rear garden.

Representations

One letter of representation has been raised raising concerns that the building is too high and raising concerns over drainage.

The below report will include and address the issues raised.

Assesment

Design and Appearance

The proposed building will be sited to the rear of the existing house and predominantly screened from Baynards Crescent by the application dwelling and its neighbours. Should views be achieved through the open space between the houses these will be minimal due to the significant setback of the building ensuring it would not be harmful to the character of the locale.

The proposed building will be finished in timber cladding and would be of a suitable design typical of a rear outbuilding and similar to those already within the vicinity.

The site is of a suitable size to accommodate the proposal and still retain sufficient private amenity space.

The proposal is therefore considered a suitable addition to the site which would not diminish the character and appearance of the existing house or streetscene.

Impact to Neighbours

The proposed addition will be erected at least 0.2m from the shared boundaries and 2.9m in height (0.4m beyond permitted development allowances).

The proposal will have a flat roof design and would be predominantly screened by existing boundary fencing as well as set off each of the shared boundaries and away from neighbouring houses. Due to its height only small elements of the proposal's roof will be visible to the neighbouring sites preventing a significant loss of amenities, which would require the need to refuse permission upon in this instance.

The plans do not show any proposed drainage and the use of the building would not require this, however, the proposal is set off each shared boundaries so that if guttering pipes were installed the water would still run off into the applicant's land and not infringe upon the neighbours.

Other Considerations

Frinton and Walton Town Council have no objections to the proposal subject to the use of conditions pertaining to soakaways.

Officer response – Given the minor nature of the development it is considered that conditions of this nature would not be necessary or relevant to the planning application in this instance.

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 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.

3 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as 21 Baynards Crescent, Kirby Cross, Frinton On Sea, Essex, CO13 0QT (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

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.