

## 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:** 23/00523/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Peter Buckland

**Address:** 26 Branscombe Close Frinton On Sea Essex

**Development:** Proposed removal of existing lean to and new single storey flat roof rear extension.

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

FRINTON AND WALTON  
TOWN COUNCIL

Recommends - Approval

### **2. Consultation Responses**

Not required

### **3. Planning History**

23/00523/FULHH Proposed removal of existing lean to and new single storey flat roof rear extension. Current

23/00524/LUPRO P Proposed roof light loft conversion with 3 no. Velux windows. 1 no. obscured glazed window to gable end wall. 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

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)**

### Application Site

The application site comprises of a semi-detached bungalow which is set back from the front boundary with a driveway to the side. The property benefits from an existing lean-to glazed structure to the rear.

### Proposal

This application seeks planning permission for a proposed removal of existing lean-to and a new single storey flat roof rear extension.

### Assessment

#### Design and Appearance

The proposal will be to the rear of the house and predominantly screened by the host dwelling. Due to the open nature of the plot, it is likely that views of the addition will be achieved from Branscombe Close, however, given its set back these views will be minimal and would not result in a harmful impact to the appearance of the streetscene.

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

The site is of a large enough size to accommodate the proposal and still retain a usable private amenity space.

The proposal is therefore considered suitable to the main house and would not result in a significant harmful impact to the character and appearance of the area.

#### Impact on Neighbours

The proposal will be sited a suitable distance from its southern neighbour and predominantly screened by existing boundary fencing thereby preventing it from resulting in a significant impact to this neighbour.

The proposal will be visible to the neighbour to the north however it will have a flat roof design which is sited away from the boundary and largely screened by the existing boundary fencing. Due to the design of the proposal and it's siting away from the boundary, it is considered that it would not result in a significant loss of light, outlook or privacy to this neighbour. Furthermore, the Essex Design Guides Sunlight/ Daylight calculations have been completed on the plans and the 45-degree line in plan and elevation would not strike through or fully encompass these neighbour's windows reinforcing the opinion that this proposal would not significantly reduce the amenities of this neighbour.

The proposal will be visible to the neighbours to the rear, however, the addition will be of a single storey flat roof design which will be sited at least 11m from the rear boundary of the plot. This rear boundary also comprises of fencing which will aid in screening much of the proposal ensuring views from these neighbours are minimal and not so intrusive as to refuse planning permission upon.

#### Other Considerations

Frinton and Walton Town Council have no objections to the proposal.

One letter of objection has been received;

- Intrusive to neighbour to rear.

*Officer Response - This has been fully addressed above, however, it is acknowledged that the rearward neighbours will attract views of the proposal, however, these will be minimal and would not result in such a harmful impact to refuse permission upon.*

- Set a precedent.

*Officer Response - The proposal is to the rear and will only attract minor views from Branscombe Close. It is evident that other houses within the area have already completed similar alterations and extensions to their properties without overriding harm being caused.*

- Changes character to family home.

*Officer Response - The proposal will allow for an extension off the Kitchen and the replacement of an existing structure at the site. The enlargement will be to the rear with little views onto Branscombe Close preventing it from altering the character of the house.*

A Lawful development is also being considered and assessed by the Local Planning Authority however this is for new windows within the roof slope and side wall and not enlargements. This will be assessed under Class C of the GPDO, but it is noted that other surrounding properties do already benefit from front facing velux roof lights.

### 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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0080-A-100  
0080-A-002  
0080-A-001

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.