

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	03/11/2023
Planning Manager / Team Leader authorisation:	ML	06/11/2023
Planning Technician final checks and despatch:	JJ	08/11/2023

Application: 23/01343/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Dr and Mrs E Lemke

Address: 103 Hall Lane Walton On The Naze Essex

Development: Proposed erection of annexe and store.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

Recommended approval

2. Consultation Responses

Not required

3. Planning History

93/01037/FUL	(103A Hall Lane, Walton on Naze) Conversion of Shop to Private Garage	Approved	08.12.1993
99/00151/FUL	Change of use of hairdressers to dwelling	Approved	30.03.1999
09/01280/FUL	Erection of single storey rear extension to form annexe / store (following removal of existing rear store / workshop).	Approved	02.02.2010
23/01343/FULHH	Proposed erection of annexe and store.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (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):

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
PPL1 Development and Flood Risk

Supplementary Planning Guidance:
Essex Design Guide

No emerging or adopted neighbourhood plan

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) 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 house within the development boundary of Walton.

Proposal

This application seeks planning permission for the erection of an annexe and store to the rear of the property, following the removal of an existing structure.

Visual Impact

The proposed extension will be sited to the rear of the house and predominantly screened from the public realm by the host dwelling. As there are gaps between the house and the neighbouring properties, elements of the proposal will be visible from Hall Lane; however, these views will only be minor and would not diminish the appearance/ character of the streetscene.

The proposed addition 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 garden itself is of an appropriate size to accommodate the proposed enlargement and still retain sufficient private amenity space.

The new extension will replace the existing workshop building with an annexe and workshop. The replacement of this structure comes as a welcome change as the existing building does not contribute to the character of the existing house. The replacement extension will be similar in depth and have a similar pitched roof design; however, it will be constructed from brick allowing for a more sympathetic relationship with the existing house.

The proposed addition is therefore considered acceptable and would not result in a harmful impact to the appearance/ character of the host dwelling or streetscene.

Impact to Neighbours

The proposal will be sited sufficient distance away from the neighbouring boundaries to the north and west of the site and would therefore not result in a significant loss of amenity to nearby occupants.

The proposal will be visible to the neighbour to the south known as 101 Hall Lane. The extension will replace the existing structure and will be similar in terms of depth and height therefore preventing any additional impact to this neighbour's level of light and outlook already achieved. Furthermore, the proposed addition will be predominantly screened by the existing boundary fencing further reducing its visual impact to this neighbour.

The plans do show a number of windows and rooflights which will achieve views into the neighbouring garden of 101 Hall Lane. However, the addition is single storey in design meaning the ground floor openings will be screened by existing boundary fencing preventing clear views into the neighbour's garden. The rooflights will be within the roofslope of the extension and due to their height

and angling are unlikely to achieve clear views. Any increase to loss of privacy would be considered unreasonable to refuse permission upon in this instance.

Flood Risk

Adopted Local Plan Policy PPL1 (Development and Flood Risk) states that all new development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. The site is located within Flood Zone 1 and is not at undue risk of flooding. Being in flood zone 1 there is no need to carry out the sequential test. Furthermore, with a site area of less than 1 hectare a site-specific Flood Risk Assessment is not required, nor is consultation with the Environment Agency or Lead Flood Authority a requirement for a development of this scale.

Part of the very rear of the back garden is located within a Flood Zone 2; however, the area affected is an ample distance away from the intended siting of the extension and would not have an impact. There has been no need to request further information on this.

Other Considerations

Frinton and Walton Town Council recommended approval.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

7.

Approval - Full

8. Conditions

9.

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 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 103 Hall Lane Walton On The Naze Essex CO14 8HW (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.

10. 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.