

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	BB	12/01/2024
Planning Manager / Team Leader authorisation:	ML	12/01/2024
Planning Technician final checks and despatch:	ER	12/01/2024

Application: 23/01621/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Jeremy Wright

Address: 97 Frinton Road Kirby Cross Frinton On Sea

Development: Proposed single storey rear extension and removal and rebuild of brick built garage.

1. Town / Parish Council

Frinton and Walton Town Council Recommend Approval

2. Consultation Responses

Not Applicable

3. Planning History

23/01621/FULHH Proposed single storey rear extension and removal and rebuild of brick built garage. Current

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPE](#))
National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic [Section 1](#) (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

Supplementary Planning Documents
[Essex Design Guide](#)

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), 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.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is 97 Frinton Road Kirby Cross, which is a north facing brick built single storey detached dwelling. The site is set back from the highway with a mixture of hard and soft landscaping. The rear garden is enclosed on all sides with low fencing.

Proposal

This application seeks planning permission for the erection of a single storey rear extension and the removal and rebuild of the garage.

Assessment

The key considerations of this application will be Design and Appearance, Impact upon the Neighbours and Other Considerations.

Design and Appearance

The majority of the development is located to the rear of the site and will be screened by the bulk of the main dwelling. However, the garage will be visible to the streetscene due to its siting and the sites partially open nature.

The proposed rear extension is single storey with a flat roof design which incorporates a roof lantern. The garage is also single storey in nature with a gable roof. Both proposals will be finished in materials similar to the host dwelling which will help tie the development in, significantly reducing the potential harm the proposal may have upon the visual amenities of the area.

The proposed rear extension measures 8.5 metres in width, 5.4 metres in depth and has an overall height of 3.7 metres. The re-built garage measures 3.2 metres in width, 5.5 metres in depth and a height of 3.6 metres. The rear garden is considered to be of a sufficient size to be able to accommodate both proposal and still retain adequate private amenity space.

Impact to Neighbours

The site abuts 95 Frinton Road to the west. As a result of both proposals single storey nature, screening provided by the existing fencing and neighbouring outbuilding and a separation distance

of 4.3 metres between the rear extension and neighbouring dwelling, both proposals will pose no detrimental harm to this property.

The proposed garage adjoins the boundary of 99 Frinton Road and will screen the rear extension from the neighbouring property. Due to its single storey nature and lack of openings on the side elevation, the garage will pose no harm to the neighbour's privacy.

Whilst there may be some loss of outlook due to the proposal's proximity to the boundary and the low fencing, as a result of the low eaves height combined with the modest pitch of the roof, the harm posed by the garage is not considered to significantly impact the neighbouring property to warrant refusal. Further, if the fencing along the shared boundary were increased to a height of 2 metres as allowed under Permitted Development rights, then any potential loss would be significantly mitigated.

Given the garage's close proximity to the neighbouring conservatory the 45 degree daylight test has been undertaken. Whilst the extension fails in plan, it passes in elevation so passes the combined test and a refusal on the grounds of loss of daylight cannot therefore be justified.

Other considerations

Frinton and Walton Town Council support the proposal.

1 letter of representation has been received expressing concerns the footings of the proposed rear extension will cause some damage to an existing brick building at a neighbouring site. *(This is not considered a planning matter but a civil matter if damage were to occur to the neighbouring site.)*

Conclusion

The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm, the proposal 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.

Drawing No. 0138-A-001

Drawing No. 0138-A-002

Drawing No. 0138-A-200

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.

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<u>NO</u>
Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>

