

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	24/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	ML	26/06/2024
Assistant Planner final checks and despatch:	ER	26/06/2024

**Application:** 24/00599/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr M Riley

**Address:** Bymere 25 Mill Lane Walton On The Naze

**Development:** Householder Planning Application - single storey rear extension and alterations to adjoining roof (following demolition of existing conservatory).

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

Frinton and Walton Town Council Recommend approval

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

93/01439/FUL (Bymere, Mill Lane, Walton on the Naze) Approved 08.02.1994  
Granny annexe - comprising of bedroom, lounge, shower room and kitchenette

24/00599/FULHH Householder Planning Application - Current  
single storey rear extension and alterations to adjoining roof (following demolition of existing conservatory).

### **4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

### **5. 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>.

There are currently no neighbourhood plans for this area.

## **6. Relevant Policies / Government Guidance**

### **National:**

National Planning Policy Framework December 2023 ([NPPF](#))

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

PPL1 Development and Flood Risk

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## **7. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site is located on the western side of Mill Lane and consists of a two-storey detached dwelling, which faces north-east. The site is separated from the highway via a dense mature hedgerow behind which is a mixture of hard and soft landscaping. The rear garden is predominately lawn with close board fencing and dense mature vegetation's enclosing it on all side. The site is located in a Flood Zone 2 & 3.

### Proposal

This application seeks planning permission for a single storey rear extension and alterations to adjoining roof (following demolition of existing conservatory).

### Assessment

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

### Design and Appearance

Due to its location the rear extension will not be visible to the streetscene; however, the alterations to the roof of the existing side extension and the increased height to the existing boundary wall to the north will be. This being said, these alterations are situated 21m away from the highway and consist of a minor increase in height of 0.7m; therefore, the proposals are not considered to pose additional harm to the streetscene.

The rear extension is single storey in nature and has a pitched roof complete with 3 velux windows. A pitched roof will also be installed to the side extension, forming a dual pitch roof between the two projections. The rear extension measures 2.7m in depth, 9.3m in width and has an overall height of 3.1m. The alterations to the roof will increase the side extension's overall height from 2.8m to 3.4m. The existing boundary wall will be built up with a stepped design, with the height at the highest point measuring 3.7m.

The rear extension will be finished in red facing brick, uPVC's window and doors with slate effect roofing on the rear and side extension. The use of these finishes which match the host dwelling will help tie the development in, significantly reducing the potential harm the proposal may have upon on the visual amenities of the area. Additionally, the site is considered to be of a sufficient size to be able to accommodate the proposal whilst retaining adequate space for off road parking to the front of the property.

### Impact to Neighbours

The site abuts 26 Mill Lane to the north and an open green space to the south. The proposals are sited directly against and on the shared boundary with 26 Mill Lane; however, the proposals are single storey in nature and lack openings on the northern facing elevation. Further, the neighbouring garage abuts the proposal and will assist in screening a significant portion of it from view of the neighbouring property.

Given the proximity of the proposal to the shared boundary, the 45 degree daylight test has been undertaken. Whilst the proposed development 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. Further, the part of the dwelling impact by the proposal is the garage which itself is not deemed a habitable room that a refusal could be based upon.

### Flood Risk

The application site is located within National Flood Zones 2 and 3. The Gov.uk advice for flood risk and coastal change identifies that minor developments, including householder developments such as the current proposal, are unlikely to raise significant flood risk issues. Policy PPL1 states that development proposals must be accompanied by a Flood Risk Assessment.

Although no flood risk assessment has been submitted with the application, the Government advice states that for householder extensions the proposed floor level cannot be any lower than the existing (or 300mm above the estimated flood level) which in this instance will not be, therefore the proposal is compliant with this and will not increase the risk of flooding. The Government guidance adds that flood resistant materials should be used up to at least 300mm above the estimated flood level to speed recovery in case water gets in, an informative has been added to this effect.

### Other Considerations

Frinton & Walton Town Council have recommended approval.

No letters of representation have been received.

## **Ecology and Biodiversity**

### General Duty on all Authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions

mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

### Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

### Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests. Further, the proposed development is consistent with the above mentioned national and local planning policies and, in the absence of material harm the proposal is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. 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. 01 – titled; Site Location and Block Plans

Drawing No. 04 – titled; Plans as Proposed

Drawing No. 05 – titled; Elevations as Proposed

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.

## **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.

### Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>.

Flood Zone 2/3 informative

Flood resistant materials should be used up to at least 300mm above the estimated flood level to speed recovery in case water gets in.

## 11. 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

## 12. Notification of Decision

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

**please specify:**

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