

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	22/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	22/10/24
Assistant Planner final checks and despatch:	JJ	23/10/24

Application: 24/01284/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Giles-Day

Address: 15 Woodfield Close Walton On The Naze Essex

Development: Householder Planning Application - Part single and part two storey front extension, single storey rear extension.

1. Town / Parish Council

Frinton & Walton Town Council Recommend Approval

2. Consultation Responses

Not Applicable

3. Planning History

24/01284/FULHH Householder Planning Application - two storey front extension and single storey rear extension. Current

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>.

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

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 in a cul-de-sac at the eastern end of Woodfield Close. The site consists of a detached chalet bungalow, which faces west. The host dwelling is set back within the site with a wide open garden to the front. A small area of hardstanding which connects to a freestanding garage is sited along the northern boundary. The sites rear garden is predominately soft landscaping with close board fencing surrounding it on all sides. A public footpath runs along the northern and eastern boundary.

Proposal

This application seeks planning permission to erect a two storey front extension and a single storey rear extension.

Assessment

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

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the

development relates well to its site and surroundings particularly in relation to its siting, height, scale and design.

The two-storey extension which measures 4.6m in width, 4.7m in depth and has an overall height of 6.8m, will protrude from the front elevation of the host dwelling, finish approximately 5.2m from the edge of the public highway. The design of the two-storey front extension with a front gable with high eaves, conflicts with the low eaves side gabled design of the host and neighbouring dwellings. This results in an exceptionally deep ridge line to join the ridge of the existing dwelling. Due to its overall size and design, the two storey extension is therefore considered exceptionally prominent when taken into the context of the application site and surrounding area. It is proposed to clad the first floor of the extension in fibre cement cladding, although this doesn't exist on the host dwelling it is seen on other properties in the immediate area so subject to a condition to secure an appropriate colour there would not be an objection to the proposed materials.

Properties to the east of Woodfield Close at its turning head are characterised by linear chalet bungalows that are generously set back with open frontages which house modest single storey garages and are largely unaltered to the front presenting a uniform appearance. The disproportionately large and visually dominant two storey front extension would be incongruous within the streetscene, appearing at complete odds with the prevailing pattern of development and creates an imposing feature that will result in visual harm to the host dwelling and wider locale. Overall, the two storey extension fails to make a positive contribution to the host dwelling and the quality of the local environment, contrary to the aims of the above-mentioned national and local plan policies.

The single storey extension being sited to the rear of the dwelling will pose no harm to the streetscene. The rear extension is single storey in nature and will be finished in materials which match the host dwelling. Its overall size and design is considered to be in keeping with the host dwelling and poses no material harm to visual amenity. Additionally, the rear garden is deemed to be of a sufficient size to be able to accommodate the proposals and still retain adequate private amenity space.

Impact on Neighbours

The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

The two storey extension is set some 6.4m away from the closest neighbouring property. Because of the adequate separation distance, partial screening provided by the host and neighbouring garages and the lack of windows on the proposal's side elevations, the two storey front extension is not considered to adversely impact the amenities of either 11 or 17 Woodfield Close.

A new first floor window is proposed on the two storey front extension. Though this window will look out over 9 Woodfield Close, there is an ample distance of 15.7m between the proposal and the neighbouring property that any harm posed by the two storey extension would be minimal. Further, the host dwelling has 2no. existing first floor windows on the front elevation which have an established outlook over this neighbouring property. As a result, a refusal based on loss of privacy to 9 Woodfield Close cannot be justified.

The rear extension is single storey in nature and lacks any openings on its side elevation which would impact the privacy of the neighbouring properties. Additionally, the proposal is sited 3.9m away from the nearest adjacent dwelling. As a result, the single storey extension will not pose any material harm to the neighbouring properties amenities.

Other Considerations

Frinton & Walton Town Council recommend approval.

3no. letters of representation have been received expressing the following concerns about the proposal.

- The proposal will affect the main sewers which serve the neighbouring properties at the rear. Additionally, it will affect the surface water drain at the front. *(This is not deemed a planning matter but rather one for the local water company to resolve/adequate connection of new development is controlled separately under the Building Regulations.)*
- Will the builders have to come onto the neighbouring property to carry out any works. *(This is not deemed a material planning consideration but rather a civil matter which is addressed by the Party Wall Act.)*
- Will the footings be offset and within the applicant boundary and the boundary fence left as is. *(The plans show the proposal will be wholly within the boundaries of the application site. If any encroachment were to occur at a later stage, this would be a civil matter between the applicant and neighbouring party.)*
- Party Wall Act. *(This is not deemed a material planning consideration but rather a civil matter.)*
- Loss of light. *(This matter has been addressed in the above report.)*
- The two storey front extension is out of character with the area. *(This matter has been addressed in the above report.)*
- Loss of wildlife. *(The site and surrounding area are built up with residential properties. The addition of a two storey front and single storey rear extension is unlikely to harm ecology/biodiversity as detailed below.)*
- Proposal will result in an increase in parking at the site. *(The proposal will increase the floorspace of the property but sufficient off street parking will remain to meet the needs of the extended dwelling.)*

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. If the application were approved, an informative would be imposed which strongly encouraged the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. 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 householders 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

The proposed development by virtue of its siting and excessive size will result in an incongruous form of development that is detrimental to the visual amenity and overall character of the area, contrary to the aforementioned national and local policies. The application is therefore recommended for refusal.

8. Recommendation

Refusal - Full

9. Reasons for Refusal

- 1 Properties to the east of Woodfield Close comprise linear chalet bungalows with open frontages which are largely unaltered creating a largely uniform appearance and strong character.

The two storey front extension, by virtue of its excessive depth and front gabled design with high eaves would be incongruous within the streetscene, appearing at complete odds with the prevailing pattern of development and creating an imposing feature that will have a significant detrimental impact upon the host dwelling and wider locale.

The proposal therefore amounts to a harmful form of development to the detriment of visual amenity and the quality of the local environment, contrary to paragraphs 131 and 135 of the National Planning Policy Framework and policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing No. P01

Drawing No. P02

Drawing No. P01, which shows the proposed materials – Rec'd 30/08/2024.

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

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>
Has there been a declaration of interest made on this application?	YES	<u>NO</u>