

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	16/05/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:		
Team Leader authorisation / sign off:	ML	16/05/2025
Assistant Planner final checks and despatch:	ER	16/05/2025

Application: 25/00470/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr K Bygrave - Frinton Tarmacadam and Paving Ltd

Address: Timberley Edith Road Kirby Le Soken

Development: Householder Planning Application - Proposed rear and side extension and new pitched roof to existing dwelling.

1. Town / Parish Council

Frinton and Walton
Town Council Recommend approval

2. Consultation Responses

Not relevant to this application.

3. Planning History

24/01410/FULHH	Householder Planning Application - side and rear extensions with changes to external facade.	Approved	12.11.2024
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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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2025 (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

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance

Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a detached house located within the development boundary of Kirby le Soken. The house is of a flat roof design with an enclosed carport structure to the side.

The building is set back on its plot with a small front area of amenity currently used for parking.

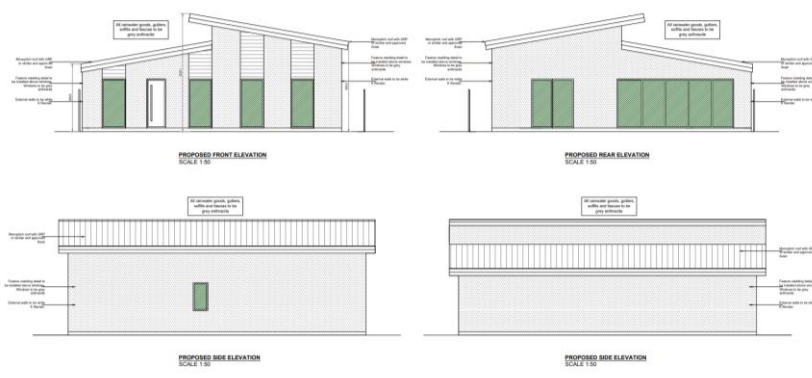
Edith Road is located just off the main village of Kirby le Soken comprising of a mixture of houses which vary in terms of design and materials. Many of these houses vary between plots with most being single storey. There is a noticeable change in ground levels with it steadily sloping upwards towards the south.

Proposal

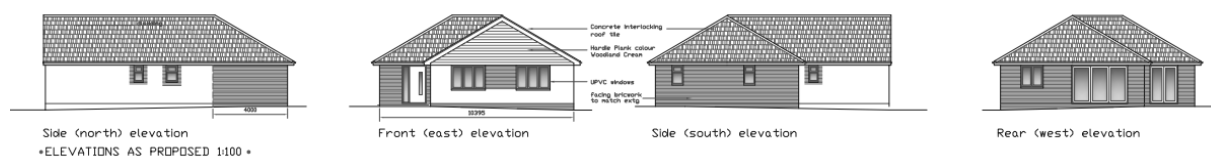
This application seeks planning permission for the erection of single storey side and rear extensions to the existing house along with a new pitched roof the host dwelling. The proposal will be constructed from brick to match the existing building and will consist of composite cladding to the front gable in a cream colour. The roof will be changed from a flat roof to a pitched roof with the extension having a hipped roof design which will both be finished in concrete interlocking tiles.

Relevant History

A previous application for planning permission was approved under planning permission 24/01410/FULHH for side and rear extensions; however, these were designed significantly different to this application with differing roof slopes, openings and materials representing a more modern approach.



This new application seeks a more traditional approach with roofs being of a hipped and pitched design, smaller openings and a variation of materials split over the building.



Assessment

Visual Impact

Paragraph 135 of the NPPF (2025) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposals will result a complete change to the appearance of the existing building. The existing building is of a flat roof design which blends in with the surrounding build form; however, given its low height and functional design it fails to establish its own presence and independence within the streetscene unlike the surrounding houses.

The proposal extensions will result in the building containing a forward facing gable feature which would take on being the main focal point of the dwelling. This feature will be completed in brick to match the existing structure with cream cladding detailing. The extension to the rear will be recessed behind the house and incorporate a hipped roof design creating a contrast in appearance between the two elements. This change will be more in keeping within the character of properties in the locale, as it would now appear as a more traditional house which would be more sympathetic to the area.

The proposal will be set just off the shared boundaries with the roof slopes reducing in height downwards towards the neighbouring boundaries. This approach will prevent the resultant development from appearing cramped on its plot and allow it to retain suitable open space around the house further reducing its impact upon the streetscene.

The proposal will result in the new additions and existing house being constructed from a mixture of brick and cream composite boarding, which are a suitable contrast with one another and appear appropriate in relation to the diverse range of materials already within the area.

The site is of a sufficient size to accommodate the proposal and still maintain a usable area of private amenity to the rear.

The proposal is therefore considered a suitable enlargement and change to the existing house which would not result in a detrimental impact to the visual amenity of the area.

Highway Safety

Paragraph 115 of the National Planning Policy Framework 2025 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space.

The proposal will result in a loss of the existing carport and therefore loss in provision for parking; however, as the house is suitably set back from the front boundary there is sufficient space to support the off-street parking of at least 2 vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2025) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The neighbour to the south "Stonehenge" is a detached bungalow with existing garage positioned along the shared boundary of the site. The proposal will be sited to the side of the house; however, as this neighbour does not benefit from any side windows the introduction of such an extension would not result in a significant loss of amenities here. The proposed enlargements will not extend beyond the rear wall of this neighbouring house and therefore would not infringe upon any light/outlook received by their rearward openings.

Sited to the north is a two storey building known as "The Croft." This neighbour is set off the shared boundary with existing fencing and planting in situ between the two sites. The proposal will be visible to this neighbour from their side and rear windows; however, the distance away from the shared boundary along with existing boundary treatment will reduce these views and impact therefore preventing the proposal from resulting in a significant loss of light and outlook to this neighbour.

The proposal will result in the house remaining a single storey building and therefore will not contain any first-floor openings preventing an increase in terms of overlooking to neighbouring sites.

The neighbours to the rear will receive views of the proposal; however, given the distance from the boundary these views would not be prominent to these nearby properties and would not result in a significant impact to their amenities.

Ecology and Biodiversity

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 (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for householder development. This proposal is not therefore applicable for Biodiversity Net Gain.

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.

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.

Other considerations

Frinton and Walton Town council recommend 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.

8. Recommendation

Approve

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.

- Site Plan - Rec'd 18/03/25
- Ber-02 A - Amended Block Plan, Proposed Elevations And Floor Plans

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 and Biodiversity

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>

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO