

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/07/18
Planning Development Manager authorisation:	AN	31/7/18
Admin checks / despatch completed	SB	02/08/18

**Application:** 18/00923/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mrs Gillian Kinloch

**Address:** 1 Holly Tree House Third Avenue Frinton On Sea

**Development:** Demolition of existing garage and replacement with new three bedroom dwelling.

### 1. Town / Parish Council

Frinton and Walton Town Council

REFUSAL - not in keeping with the street scene, overdevelopment of the plot (garden grabbing).

Not in keeping with Policy PPL 8 Conservation Areas or Policy PPL11 The Avenues Area of Special Character, Frinton-on-Sea of the Tendring District Local Plan - Publication Draft Final.

### 2. Consultation Responses

ECC Highways Dept  
(Dated 2 July 2018)

HOLDING RESPONSE: REQUEST FOR ADDITIONAL INFORMATION

Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency by reason of not being able to measure and assess the stated dimensions consistently with the submitted drawings.

The applicant should be invited to provide such additional information as listed below:

1. A similar suite of drawings of which annotations are accurate to the scale and scale bar and consistent across the entire drawing

Upon receipt, the Highway Authority may properly consider this proposal.

ECC Highways Dept  
(Dated 27 July 2018,  
following the submission  
of amended plans)

The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

As far as can be determined from the submitted plans the proposal would lead to intensification of use of the site without sufficient or adequate turning facilities for both dwellings. The proposal would therefore give rise to vehicles reversing into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Tree & Landscape Officer

To the front of the existing garage on the southern boundary of the application site and directly adjacent to the boundary with 25 Third Avenue there are two mature Holly trees that make a positive contribution to the character and appearance of the conservation area. To the rear of the garage and also on the southern boundary of the application site there is a mature evergreen hedge comprising of Leyland Cypress.

To the front of 1 Holly Tree House there is an overgrown shrub bed containing another Holly and a self sown Apple tree.

In terms of the amenity value of the trees on the land although the Holly trees to the front of the existing garage are prominent features in the street scene the amenity value that they provide could be relatively easily replicated and improved upon by new planting, using more decorative species.

This also applies to the Holly and the Apple in front of Holly Tree House. None of these trees merit formal legal protection although they perform a valuable softening impact on the appearance of the areas.

If planning permission were likely to be granted that necessitated the removal of any of the trees on the eastern boundary, as described above, then a condition should be attached to secure replacement planting as part of a wider soft landscaping scheme. It is anticipated that 4 No specimen trees would need to be planted as part of the scheme.

With regard to the coniferous hedge to the west of the existing garage it does not fall within the scope of legislation by which it can be legally protected. Consideration should be given to what measures, if any, should be put in place to provide screening on this boundary.

Building Control and  
Access Officer

No comments at this stage.

### 3. Planning History

N/A

### 4. Relevant Policies / Government Guidance

Essex County Council Car Parking Standards - Design and Good Practice

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

- FW5 "The Avenues" Area of Special Character
- HG1 Housing Provision
- HG3 Residential Development within Defined Settlements
- HG9 Private Amenity Space
- HG14 Side Isolation
- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- CP1 Sustainable Transport and Accessibility
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL8 Conservation Areas
- PPL11 The Avenues Area of Special Character, Frinton-on-Sea
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

Local Planning Guidance

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal**

### Site Description

The application relates to land adjacent to the north of 25 Third Avenue, within the Parish of Frinton-on-Sea. The site measures 345 square metres in size and currently forms part of the curtilage of 1 Holly Tree House, where a detached garage currently sits. The character of the surrounding area is heavily urbanised with residential development, all being detached dwellings on large plots. The site falls within the Settlement Development Boundary for Frinton-on-Sea within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site lies within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character.

### Description of Proposal

The application seeks planning permission for the erection of a detached residential dwelling following the demolition of the existing detached garage.

### Assessment

#### 1. Principle of Development

The site is situated within the defined settlement limits of Frinton-on-Sea as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017) and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

#### 2. Design, Appearance and Layout

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in

Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy FW5 of the Saved Local Plan states new development in "The Avenues" of Frinton shall have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission. The sentiments of this are carried forward within Policy PPL11 within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is to be detached two storeys, will be accessed via Third Avenue to the east from an existing access point, and will measure 7.8m in height, 8.7m in width and 15m in depth. The development also proposes the creation of an additional access point adjacent to the north to serve the existing dwelling.

In terms of the design of the dwelling itself, it is considered to be of good visual merit, incorporating key features to break up the bulk of the proposal, including a front canopy, chimney, good use of traditional materials and a single storey rear element.

The character of the immediate surrounding area is extremely important, as acknowledged by being designated as an Area of Special Character under Policy FW5 within the Adopted Local Plan. Currently the surrounding area is dominated by detached residential dwellings with plot widths ranging from 15-30m, and building widths ranging between 12m-16m. The proposed development would see an approximate plot width of just 10m and building width of 7.5m, which fails to accord with Policy FW5 of the Adopted Local Plan, which highlights that new dwellings should stand on plots that compare favourably with neighbouring properties and have minimum frontages of 15m. Therefore, it is considered that the proposed dwelling on this site will be sited on a plot far narrower than adjoining plots. As a result the dwelling will appear narrow, cramped and out of keeping within the street scene, to the serious detriment of the areas existing special character.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this will be achieved for both the proposed dwelling and the existing dwelling.

### 3. Impact to Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are adjacent neighbours to both the north and south with visibility of the proposed dwelling and therefore have the potential for their existing amenities to be harmed. However, whilst the dwelling is predominantly two storeys there is an approximate separation distance of 1m to each boundary and 3m to each neighbouring property. Further, the dwelling has been designed to reduce to single storey to the rear, thereby reducing how imposing it will appear. It is therefore not considered to significantly harm amenities in respect of loss of light or appearing imposing.

In terms of overlooking, the dwelling has been designed to ensure the only first floor side elevation windows will serve a bathroom and stairwell, both of which are not main habitable rooms and in the case of the bathroom will be obscure glazed. There is one first floor rear elevation window serving a bedroom; whilst it is acknowledged it will have direct views to the rear garden area of the north-facing neighbour, it is also noted that the property is already directly overlooked from its adjacent neighbours and therefore, on balance, there will not be a significant increase in overlooking to warrant a reason for refusal.

#### 4. Heritage Impact

Policy EN17 of the Tendring Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area. Accordingly the applicant has submitted a Heritage Statement which has sought to demonstrate that the works involved will not significantly harm the existing Frinton-on-Sea Conservation Area.

As highlighted previously, the character of this section of the Frinton Conservation Area is dominated by large detached residential properties on spacious plots. Against this backdrop, a dwelling of a significantly narrower building and plot width will appear incongruous and at odds with the areas existing character, and will therefore fail to preserve the character and appearance of the existing Frinton-on-Sea Conservation Area, thereby failing to accord with above policies.

#### 5. Tree Impacts

To the front of the existing garage on the southern boundary are two mature Holly trees which make a positive contribution to the character and appearance of the conservation area. To the rear of the garage is a mature evergreen hedge comprising of Leyland Cypress, whilst to the front of 1 Holly Tree House is an overgrown shrub bed containing a Holly and Apple tree. Whilst the trees to the front of the site are prominent features in the street scene the amenity value they provide can be easily replicated, or even improved, with new planting. If permission had been granted then a condition to secure replacement planting for any trees lost to the eastern boundary as part of a wider soft landscaping scheme would be attached to this decision.

#### 6. Highways and Parking

Policy TR7 of the Adopted Local Plan 2007 states that for residential development within town centres and for all non-residential development, the adopted car parking standards will be applied. Outside town centres, variations to the adopted standards for residential development will be considered where local circumstances suggest this to be appropriate.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m.

Essex County Council as the Highways Authority object to the application. The submitted plans fail to demonstrate that there is sufficient provision for off street parking spaces with dimensions in accord with the above current Parking Standards. This is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety. Further, the proposal would lead to the intensification of use of the site without sufficient or adequate turning facilities for both dwellings, therefore resulting in the need for vehicles to reverse into the highway, to the detriment of highway safety.

The proposal therefore fails to accord with the above policy.

#### Other Considerations

Frinton and Walton Town Council object on the grounds that the proposal is not in-keeping with the street scene and represents overdevelopment of the plot.

In answer to this, it has been addressed within the main body of the report above.

There have also been 17 letters of objection received, with the following concerns:

1. Is too narrow and not in accordance with Policy FW5;
2. Proposal not in-keeping;
3. Not sufficient parking provision;
4. Harm to the Conservation Area;

5. Represents overdevelopment;
6. Loss of privacy; and
7. Loss of a view.

In answer to this, all points have been addressed within the main body of the report above.

### Conclusion

For the reasons set out above, the proposal is considered to represent an unsustainable form of development contrary to the aims of national and local plan policy and is therefore recommended for refusal.

### **6. Recommendation**

Refusal.

### **7. Reasons for Refusal**

- 1 The National Planning Policy Framework (2018) states that a core planning principle of the local planning authority should include the conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The Framework also attaches great importance to the design of the built environment stating that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Policy EN17 of the Tendring Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Policy FW5 of the Saved Local Plan states new development in "The Avenues" of Frinton shall have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission. The sentiments of this are carried forward within Policy PPL11 within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is located within the Frinton and Walton Conservation Area, and "The Avenues" Area of Special Character where development which would result in a reduction in the spacious character of the area will be refused planning permission.

Currently the surrounding area is dominated by detached residential dwellings with plot widths ranging from 15-30m, and building widths ranging between 12m-16m. The proposed development would see an approximate plot width of just 10m and building width of 7.5m, which fails to accord with Policy FW5 of the Adopted Local Plan, which highlights that new dwellings should stand on plots that compare favourably with neighbouring properties and have minimum frontages of 15m. Therefore, it is considered that the proposed dwelling on this site will be sited on a plot far narrower than adjoining plots. As a result the dwelling will appear narrow, cramped and out of keeping within the street scene, failing to preserve the character and appearance of the Frinton-on-Sea Conservation Area, and will also be detrimental to "The Avenues" Area of Special Character existing special character.

Therefore the proposed development fails to accord with the above policies.

- 2 Policy TR7 of the Adopted Local Plan 2007 states that the adopted car parking standards will be applied. Outside town centres, variations to the adopted standards for residential development will be considered where local circumstances suggest this to be appropriate.

Policy TR1a of the Adopted Local Plan 2007 states proposals for development affecting highways will be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. The sentiments of this are carried forward within Policy SPL3 within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m.

The submitted plans fail to demonstrate that there is sufficient provision for off street parking spaces with dimensions in accord with the above current Parking Standards. This is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety. Further, the proposal would lead to the intensification of use of the site without sufficient or adequate turning facilities for both dwellings, therefore resulting in the need for vehicles to reverse into the highway, to the detriment of highway safety.

The proposal therefore fails to accord with the above policies.

## **8. 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.