

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/09/2018
Planning Development Manager authorisation:	SCE	21.09.18
Admin checks / despatch completed	W	21/9/18

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Application: 18/00993/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr D King

Address: Kings House Little Clacton Road Great Holland

Development: Replacement dwelling.

1. Town / Parish Council

Frinton & Walton Town Council

See document dated 20.07.18

Frinton and Walton Town Council

Approval.

2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary. Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

08/00050/FUL	Demolition of existing conservatory and utility room. Erection of 2 storey extensions and alterations to existing vehicular access.	Withdrawn	06.03.2008
08/00458/FUL	Two storey side extension (following demolition of existing conservatory), erection of front porch and construction of new vehicular access. As amended by Drawing No. 1467-01 Revision B and Proposed Access SK4 1467 1:200 Plan received on 18 June 2008.	Approved	22.07.2008
16/01071/FUL	Replacement dwelling.	Approved	02.09.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN1 Landscape Character

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

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Little Clacton Road, Great Holland within the parish of Frinton and Walton. The site comprises a modest semi-detached dwelling well set back

into the site to the rear of the plot. The plot is almost 'L' shaped with the property being sited in the north east corner and the private garden area extending to the west. The property was originally a modest hipped roof dwelling but consists of an unfinished extension to its side. The dwelling is finished in a white colour weatherboarding with a plain tiled roof.

The other half of this pair of semi's known as 'High View' has been demolished and a replacement dwelling erected further forward in the plot approved under planning application 16/01067/FUL.

The site rises from its front south-western corner to the rear north-eastern section. To the site frontage is a brick wall with piers that is currently the subject of an enforcement notice and appeal. The front garden has recently been cleared.

Proposal

The application seeks full planning permission for a replacement dwelling following the demolition of the existing.

The proposed dwelling extends approximately 18.5m in width, 13.5m in depth with an overall ridge height of 9 metres. The dwelling will be sited in the north east corner similar to the existing. The dwelling will be finished in facing brick and concrete roof tiles.

Following concerns with poor, bland design and excessive scale of the dwelling an amended scheme has been submitted. However, the amended scheme fails to result in an acceptable development as set out within the appraisal below.

Appraisal

The main considerations in this instance are;

- Planning History;
- Policy Considerations and Principle of Development; and,
- Representations.

Planning History

This application follows a previous approval for a replacement dwelling under 16/01071/FUL. This approval also comprised a large 4 bedroom detached dwelling but was given an on balance approval.

This current proposal is much larger than the previously approved scheme.

Policy Considerations and Principle of Development

The National Planning Policy Framework 2018 (NPPF) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscaping setting. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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 emerging Local Plan Policy SPL3 of the Publication Draft 2017.

The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary. Saved Policy HG12 of the adopted Tendring District Local Plan 2007 is therefore of primary relevance. Saved policy HG12 states replacement dwellings will be permitted provided it meets a number of criteria together with the general design criteria set out above.

The principle of the development is therefore acceptable subject to detailed consideration against the criteria contained within saved Policy HG12. In this instance, this proposal fails to meet criterion (i), (ii), (iii) and (iv).

The policy is addressed in full below;

- (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;
- (ii) is well related and in proportion to the original dwelling;
- (iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;
- (iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The character of the area is one of sparse residential development differing in size, age and style. Beyond this small collection of dwellings are open fields and well vegetated frontages all adding to the semi-rural character of the locality. The adjoining neighbour has already been demolished and replaced with a 1.5 storey dwelling finished in render and black weatherboarding being of an appropriate scale and finish in keeping with the semi-rural character. The application property is of a cottage style and appears to be in a poor state of repair. Its modest scale and white weatherboarded and plain tiled finish is typical for a semi-rural locality. The previous approval took on the appearance of a modern interpretation of a barn conversion. The use of rendered walls and red brick along with a central mid-stray glazed feature gave the property a contemporary but rural appearance and one that would be sympathetic to the character of the area. At the time of this previous approval the officer recognised that the dwelling was large in comparison to the modest cottage but not excessive. Its acceptable design and non-prominent siting resulted in an on balance approval.

It is recognised that the site is spacious and the replacement dwelling would be sited well back from the highway and therefore not overly prominent. However, the poor, bland design and excessive scale, bulk and mass is wholly inappropriate.

The block plan provided shows the footprint of the existing dwelling in comparison to the footprint of the proposed replacement. This demonstrates that the replacement dwelling would amount to almost 6 times the size of the existing seeing an increase in footprint from approximately 40sqm to 250sqm. The new dwelling would be over 13 metres wider than the existing and over 5 metres deeper. The proposal is excessively wide and bulky and fails to relate to the proportion of the original dwelling.

The dwelling is effectively an excessively large, bland featureless box with monotonous fenestration that fails to have any regard to the character or quality of the local environment. The dwelling is visually unattractive and would be demonstrably harmful to the character of the area and landscape setting.

- (v) would not represent over-development of the site;

The site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.

- (vi) would not be detrimental to highway safety;

Essex County Council Highways have raised no objection to the development subject to conditions.

- (vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

The proposed dwelling is sited 2 metres away from the shared boundary with the immediate neighbour to the east, set behind the new replacement dwelling directly adjacent to the rear garden area. The proposed dwelling has no first floor side facing windows in its eastern facing flank and is sited well away from the neighbouring dwelling itself with a good side isolation retained. The proposal will not result in any loss of outlook, light or privacy. Some obliquely angled views from the front windows towards the rear of High View may be possible but no significantly harmful views or loss of privacy would occur.

(viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

The existing dwelling is considered capable of reasonable improvement and extension, however it makes only a neutral contribution to local character and there is therefore no objection to its replacement. An acceptable development would arguably result in a visual enhancement but the scheme proposed is wholly unacceptable.

(ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criteria is met.

(x) would not exacerbate any existing access, drainage or other problems associated with the site.

Not believed to be the case.

Representations

Frinton & Walton Town Council originally recommended refusal of the application due to proposal being overdevelopment, too great a bulk and mass.

The amended comments received from Frinton Town Council now recommend approval.

3 letters of objection have been received (including an objection from Councillor Bucke). The concerns raised can be summarised as follows;

- Overdevelopment of the site in terms of size and mass.
- Too big and contravenes Policy HG12.

These have been addressed in the main report above.

Conclusion

For the reasons set out above, the replacement dwelling is considered unacceptable is therefore recommended for approval.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The National Planning Policy Framework 2018 (NPPF) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history including the surrounding built environment and landscaping setting. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

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The block plan provided shows the footprint of the existing dwelling in comparison to the footprint of the proposed replacement. This demonstrates that the replacement dwelling would amount to almost 6 times the size of the existing seeing an increase in footprint from approximately 40sqm to 250sqm. The new dwelling would be over 13 metres wider than the existing and over 5 metres deeper. The proposal is excessively wide and bulky and fails to relate to the proportion of the original dwelling.

The dwelling is effectively an excessively large, bland featureless box with monotonous fenestration that fails to have any regard to the character or quality of the local environment. The dwelling is extremely poor in design terms, excessive in scale and would be demonstrably harmful to the character of the area and landscape setting.

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 Agent and 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.