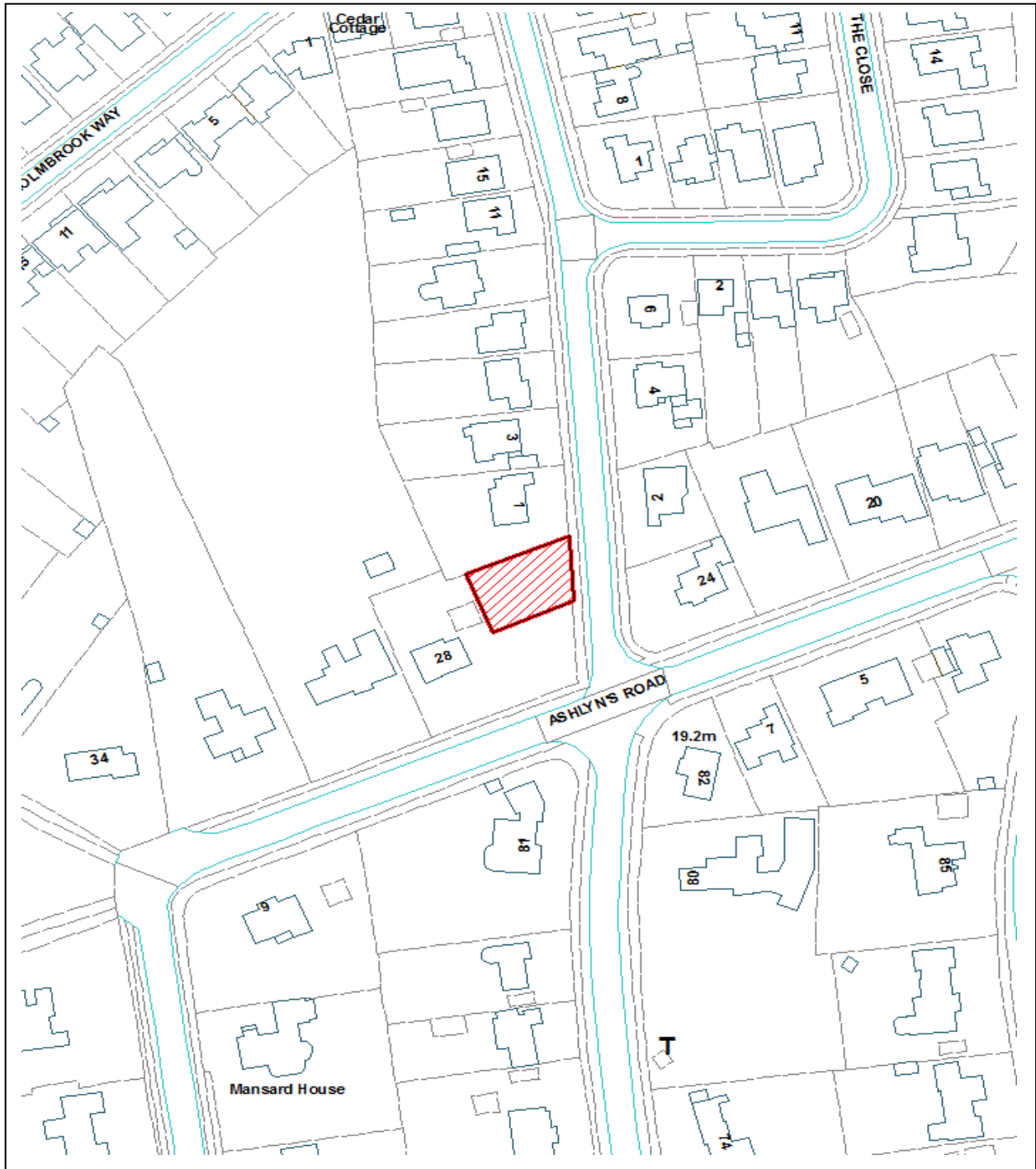


PLANNING COMMITTEE

13<sup>th</sup> November 2018

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATION - 18/01489/FUL - LAND ADJACENT 28 ASHLYNS ROAD FRINTON ON SEA CO13 9EU**



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<b>Application:</b>	18/01489/FUL	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	Mr & Mrs Smith	
<b>Address:</b>	Land adjacent 28 Ashlyns Road Frinton On Sea CO13 9EU	
<b>Development:</b>	Proposed dwelling - to incorporate changes to approval 18/00428/FUL.	

## 1. **Executive Summary**

- 1.1 The application is before the planning committee as it has been called-in by Councillor N.Turner for the following reasons;
- Garden grabbing;
  - Not in keeping;
  - Not maintaining the heritage asset; and,
  - Reducing the heritage asset by changing its setting in the street.
- 1.2 This application proposes the erection of a two-storey detached dwelling on the site incorporating revisions to the dwelling previously approved by members of the planning committee in May 2018. The revised dwelling is of a very similar design and form to that previously approved but incorporates the following changes;
- the dwelling is increased in depth by 0.95m;
  - dwelling is set back into the plot by a further 0.95m;
  - the insertion of roof lights into the north and rear facing roof slopes to facilitate a playroom/family area; and
  - a reduction in depth of garage to accommodate a utility room resulting in the inclusion of an additional parking space to the front of the property.
- 1.3 The principle of residential development on this site is acceptable as the site is located within the Settlement Development Boundary of Frinton-on-Sea as defined by the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is also located within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character.
- 1.4 Officers are satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the revisions to the approved development and the setting of the Frinton-on-Sea Conservation Area and Avenue Area of Special Character is suitably preserved. The application is therefore recommended for approval subject to conditions.

**Recommendation: Approve**

### **Conditions:**

- **Standard 3 year time limit**
- **List of approved plans**
- **Remove permitted development rights for roof additions, outbuildings and extensions**
- **Construction method statement**
- **No unbound material in first 6m of access**
- **Vehicular parking provided prior to occupation and retained thereafter**

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| <ul style="list-style-type: none"><li>• <b>No discharge of surface water onto the highway</b></li><li>• <b>Details of materials</b></li><li>• <b>Hard/Soft landscaping scheme/implementation</b></li></ul> |
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## **2. Planning Policy**

NPPF National Planning Policy Framework

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

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

FW5 'The Avenues' Area of Special Character

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL12 The Gardens Area of Special Character, Clacton-On-Sea

CP1 Sustainable Transport and Accessibility

### **Local Planning Guidance**

Essex County Council Car Parking Standards - Design and Good Practice

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

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.

### **3. Relevant Planning History**

13/00741/FUL	Demolish existing detached garage, erect a single storey rear extension and render extension & existing building with rough cast rendering.	Approved	27.08.2013
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14/01128/FUL	Demolish existing garage, erection of single storey rendered rear extension (variation to that approved under 13/00741/FUL), render existing building with rough cast render.	Approved	30.09.2014
16/01229/FUL	Proposed dwelling.	Refused	11.10.2016
18/00428/FUL	Proposed dwelling.	Approved	01.06.2018
18/01489/FUL	Proposed dwelling - to incorporate changes to approval 18/00428/FUL.	Current	

#### 4. **Consultations**

Essex County Council Archaeology	There are no recorded archaeological remains in the immediate area of the above proposed development. Due to the scale and nature of the proposal there is unlikely to be any significant impact on any unknown archaeological deposits. There is no recommendation for any archaeological investigation for the above application.
ECC Highways Dept	No objections.
Tree & Landscape Officer	<p>The main body of the application site is set to lawn and forms part of the residential curtilage of 28 Ashlyns Road. The site boundary is planted with an established hedge comprising of a mixed range of species including Yew and Pittosporum.</p> <p>There are no trees in the main body of the land or within the boundary hedgerow.</p> <p>If planning permission were likely to be granted then a condition should be attached to secure soft landscaping details. The site layout plan shows the retention of the boundary hedge.</p> <p>It would appear that here is sufficient room on the application site to accommodate new tree planting, details of new tree planting proposals should be secured by way of condition.</p> <p>The site is situated within the 'The Avenues Area of Special Character' and consideration should be given to the scale and design of the development and its impact on this special area.</p>
Building Control and Access Officer	No comments at this stage.

#### 5. **Representations**

5.1 Frinton & Walton Town Council recommends refusal for the following reasons;

- Out of keeping with the street scene, over-development of a corner plot which leads to a dangerous access. The covenant which is believed to be on this land should be adhered to.

5.2 The application was called in by Cllr Turner for the following reasons;

- Garden grabbing;

- Not in keeping;
- Not maintaining the heritage asset; and,
- Reducing the heritage asset by changing its setting in the street.

## 6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposed Development;
- Planning History;
- Principle of Development;
- Design/Impact upon Heritage Asset;
- Residential Amenity; and,
- Highway Safety.

### Site Context

- 6.1 The application site is located on the eastern side of Upper Second Avenue within the settlement of Frinton-on-Sea. The site currently forms part of the side garden to no. 28 Ashlyns Road and is largely laid to grass. The site measures 15 metres in width with an average depth of 23 metres. A mature hedgerow forms the boundary with Upper Second Avenue and returns to part of the Ashlyns Road frontage.
- 6.2 No. 28 Ashlyns Road is a detached property located to the south-west of the site and occupies a 37m wide frontage onto Ashlyns Road with a return frontage of 24m on Upper Second Avenue.
- 6.3 Directly to the west of the site is the detached double garage serving no. 28. To the north is no. 1 Upper Second Avenue, which is a detached house that has two first floor windows facing south across the application site. On the opposite side of Upper Second Avenue is a detached property and further south is a dwelling which occupies the opposite corner plot.
- 6.4 The site is located within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character. The area is entirely residential in character and the houses forming the street scene are predominantly two-storeys in height and are largely detached dwellings.

### Proposed Development

- 6.5 This application proposes the erection of a two-storey detached dwelling on the site incorporating revisions to the dwelling previously approved by members of the planning committee in May 2018.
- 6.6 The revised dwelling is of a very similar design and form to that previously approved but incorporates the following changes;
  - The internal depth of the garage has been reduced in order to accommodate a utility room at the rear. This will result in the garage measuring less than the required 3m x 7m dimensions and as such this space cannot be counted as a parking space. As an alternative, provision is made for two parking spaces in front of the garage of a size commensurate with the requirements of the current parking standards.
  - To provide the two parking spaces the building will be moved back 0.95m further from the highway. This will result in the dwelling be positioned more in align with No.1 Upper Second Avenue to the north.

- The building will be increased in depth by 0.95m to provide slightly larger bedrooms. The width of the building remains unchanged. The rear garden is slightly reduced but will still be in excess of the Council's adopted standards at 125sqm in size.
- The roof will remain the same height but to accommodate a family space/playroom in the roof space rooflights to the rear and north facing slopes are proposed. The roof lights will be positioned not less than 1.5m above the finished floor level.

6.7 All other aspects of the development are as previously approved. The existing hedgerow along the road frontage to Upper Second Avenue will not be affected by the development aside from the access.

#### Planning History

6.8 The land immediately to the side of No.28 Ashlyns Road, which forms land to the south of the application site, was the subject of an application for a detached dwelling (reference 16/01229/FUL) which was refused permission and an appeal subsequently dismissed in June 2017.

6.9 The scheme was refused permission and dismissed on appeal due to the adverse impact of the development reducing the open spacious character of this corner site. While the Inspector was not concerned with the overall size and form of the proposed dwelling, the detailing of the proposed building was considered to be insufficient to reflect the quality of other properties in the Avenues Special Character Area.

6.10 Planning permission was then granted for a dwelling, which overcame the concerns raised above, on a plot fronting Upper Second Avenue by the Planning Committee in May under reference 18/00428/FUL.

#### Principle of Development

6.11 The site lies within the Defined Settlement Boundary for Frinton-on-Sea, as outlined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principle of residential development is, therefore, acceptable and has been firmly established by the granting of the earlier planning permission for a two-storey property on this plot. Consequently, there cannot be any objection in principle to the erection of a detached dwelling in terms of the character of the location, which is in this area comprises of wholly detached residential properties.

6.12 Rather, the acceptability of what is proposed depends upon the impact of the proposed revisions upon character of the area, amenity and environmental considerations and the various detailed requirements of other local plan policies, standards and guidance designed to ensure that new development relates satisfactorily to its surroundings, without harming amenity, heritage assets or raising highway concerns.

#### Design/Impact Upon Heritage Asset

6.13 Ashlyns Road and the southern part of Upper Second Avenue are residential roads which form part of The Avenues Area of Special Character as defined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site is also within the Frinton and Walton Conservation Area.

6.14 In this instance it is considered that the proposed revisions to the approved scheme are minor and would not significantly alter the appearance of the property when viewed from public vantage points. The relocation of the property by 0.95m further back into the plot

assists in retaining the open feel of this prominent corner and brings the property more in line with the dwelling directly to the north. Furthermore the increase in the dwelling's depth by 0.95m would not cause any greater impact upon the conservation area setting or the amenities of neighbours than the approved scheme.

- 6.15 The utilisation of the loft space as a playroom/family area does not involve raising the overall ridge height of the approved property and the proposed roof lights are minor in size and are to be situated in the rear and north facing roof slopes which are the least visible. The perimeter hedgerow along Upper Second Avenue is still to be retained apart from where the new access is to be created ensuring that the appearance of the undeveloped corner is to be retained.
- 6.16 The resultant dwelling would therefore still respect the character of the area and the relationship to neighbouring residential properties whilst suitably preserving the heritage asset.

#### Residential Amenity

- 6.17 The increase in the depth of the dwelling and its set back into the plot would not cause any additional harm to neighbouring residents. The distance to the property to the north at no. 1 Upper Second Avenue and the lack of any windows present in the facing flank ensures that the resident's amenity would be preserved. To the west is the applicant's property at no.28 Ashlyns Road and whilst the property would be sited closer to its rear garden, due to the presence of the existing double garage, the orientation of the property and the degree of separation, any views from the first floor windows serving the proposed dwelling would be out over the rearmost part of the garden serving the applicant's property and not over the most private part of the garden.
- 6.18 The proposed roof lights are to be sited high up with the northern and rear facing roof slopes of the property ensuring that views out are directed upwards and not down into neighbour's gardens. The neighbour's privacy levels therefore remain unaffected by the revisions to the scheme.
- 6.19 The private amenity space serving the proposed property would equate to 125sqm which is still in accordance with the requirements of saved policy HG9.

#### Highway Considerations

- 6.20 The development does not involve any alterations to the approved access but does involve an amendment to the parking arrangements. Previously the approved development showed the garage measuring 3m x 7m (internal dimensions) which therefore counted as a parking space. The garage is now shown shortened in depth to facilitate a small utility room. Consequently an additional open parking bay is to be provided to the front of the property. The submitted plans show that both spaces measure 5.5m x 2.9m in size and therefore accord with the requirements of the current parking standards.
- 6.21 Essex County Council Highways have confirmed that they have no objections to the revised parking arrangements. The conditions they requested as part of the previous planning permission (i.e. the submission of a construction method statement, no unbound materials in the first 6m of the access and no discharge of surface water to the highway) form part of the recommendation.

#### Trees/Landscaping

- 6.22 The Council's Tree and Landscaping Officer has identified that the site is largely laid to grass and does not contain any significant trees or vegetation. It is noted that the frontage



boundary hedge will be retained aside for a small section for the vehicular access. There is an opportunity for some additional tree planting to the front of the dwelling and the details of this along with the proposed surface materials for the driveway will be secured through the submission of a hard and soft landscaping scheme.

### Conclusion

- 6.23 Officers are therefore satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the revisions to the development and the setting of the Frinton-on-Sea Conservation Area and Avenue Area of Special Character is suitably preserved. The application is therefore recommended for approval subject to conditions.

### Background Papers

None.