

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	19/11/18
Planning Development Manager authorisation:	AN	19/11/18
Admin checks / despatch completed	AN	19/11/18

Application: 18/01526/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr A Coster

Address: Firs Lodge First Avenue Frinton On Sea

Development: Proposed single storey garage and replace existing sun lounge with single storey rear extension.

1. Town / Parish Council

**Frinton and Walton
Town Council**

Refusal - the garage extension reduces the open space/aspect and is out of keeping with the street scene.

2. Consultation Responses

**Tree & Landscape
Officer**

There are three trees on the application site that have high visual amenity value and that could be affected by the development proposal.

In order to show the positions and species of the trees along with the impact that the development proposal would have on them the applicant has submitted a tree survey and report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations and contains a Tree Protection Plan (TPP)

As the application site is situated in the Frinton on Sea Conservation Area all trees on the land with a stem diameter equal to, or greater than, 75mm at 1.5m from ground level are afforded formal legal protection.

The information provided by the applicant identifies the need to fell the Pine growing closest to the side elevation of the existing dwelling and consequently closest to the proposed single story garage.

Whilst the tree is a good specimen it has enormous future growth potential and is not an appropriate species for its location. The removal of the tree and its replacement with the species proposed in the tree report would mitigate the harm caused to the amenities of the locality and secure a long term replacement that will enhance the character and appearance of the conservation area.

If planning permission were likely to be granted then a condition should be attached to secure soft landscaping details.

The planning application does not identify any works necessary to the other two trees ' described in the tree report as Leyland Cypress

although more likely to be a 'form' of Cupressus macrocarpa 'possibly 'Goldcrest'. Any proposal to remove and replace these trees would need to be the subject of a separate application made under the notification system relating to works to trees in a conservation area.

3. Planning History

03/00772/TCA	Reduce height of Laylandii/Macrocarpa trees	Approved	16.05.2003
03/00909/TCA	Reduce height of line of trees bordering property to a maximum of 10ft	Approved	22.05.2003
07/01105/TCA	26 No. Cupressus - reduce to 10 ft	Approved	06.08.2007
11/01282/TCA	1 No. Cherry - dead - fell. 1 No. Elderberry - fell	Approved	24.11.2011
18/01526/FUL	Proposed single storey garage and replace existing sun lounge with single storey rear extension.	Current	

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

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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.

5. Officer Appraisal

Proposal

This application seeks planning permission for a single storey garage extension to the side and single storey extension with raised veranda to the rear, and a pitched roof addition to a dwelling within the Development Boundary of Frinton on Sea. The site is within the Frinton and Walton Conservation Area.

Design & Appearance

The proposed garage extension will be visible from the street, and will extend into the open space to the side of the dwelling. However, because of its single storey nature and narrow width it will not be overly dominant. The design and materials relate well to the host dwelling, and protects the character of the conservation area.

The rear extension will be less prominent due to the existing boundary treatment along the side and rear of the site. The size and design of the extension are in keeping with the host dwelling, and adequate private amenity space is retained to the rear of the site. The rear extension protects the character of the conservation area.

The roof addition is modest, and is similar in appearance to the neighbouring property. The design relates well to the host dwelling, and also protects the character of the conservation area.

The proposal will require the removal of the Pine tree growing close to the side elevation of the dwelling. An Arboricultural Impact Assessment has been submitted with the application, and the council's Landscape Officer is satisfied that the replacement of the tree with a more suitable species will enhance the character and appearance of the conservation area. A condition requiring the submission of a soft landscaping scheme will be attached to the planning permission.

Impact on Neighbours

The garage extension is not close to boundaries with neighbouring properties so will not impact neighbouring amenity. There is adequate separation from the boundaries that the roof addition will not impact neighbouring properties.

The rear extension and raised veranda are separated from the side boundary, and will not impact neighbouring daylight and outlook. Due to the mature trees around the boundary of the side, and the oblique view into the adjacent neighbour's property, neighbouring privacy will be protected.

Other Considerations

Frinton and Walton Town Council have recommended refusal of the application because "the garage extension reduces the open space/aspect and is out of keeping with the street scene." Following negotiations with the applicant, the garage extension has been reduced in width to a level which adequately protects the open space to the side of the property.

No other letters of representation have been received.

Conclusion

In the absence of material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 1856/02 Revision A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of any above ground works, details of the proposed hedge and replacement tree shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be implemented at the first available planting season following the commencement of the development.

Reason - In order to ensure that the development is assimilated in to the street scene in the interest of the visual amenity of the locality.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO