

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	11/03/2019
Planning Development Manager authorisation:	SCE	11.03.19
Admin checks / despatch completed	SB	11/03/19.

**Application:** 18/02114/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr David Ursell

**Address:** 24 Village Close Kirby Cross Frinton On Sea

**Development:** Proposed two storey extension, increase to size of existing porch and driveway and new dropped kerb.

### 1. Town / Parish Council

Frinton and Walton Town Council      Approval

### 2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal will provide a new vehicular access and includes adequate space for off street parking within the curtilage, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (4 low kerbs) (3 metres minimum - 4.5 metres maximum), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. There shall be no discharge of surface water onto the Highway.  
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.  
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to:

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

### 3. Planning History

07/01054/FUL	Erection of side conservatory and porch.	Approved	16.08.2007
18/02114/FUL	Proposed two storey extension, increase to size of existing porch and driveway and new dropped	Current	

kerb.

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019  
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

HG14 Side Isolation

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

#### **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 (including Site Description and Proposal)**

##### Application Site

The application site comprises of an east facing two storey detached dwelling known as "24 Village Close." The dwelling is situated on a corner plot location with a front boundary wall and porch. Sited to the rear of the dwelling is an existing garage and vehicular access. The dwelling benefits from an existing single storey side extension which protrudes beyond its side elevation.

##### Proposal

This application seeks permission for the erection of a two storey extension, extension to porch, driveway and new vehicular access.

##### Assessment

##### Design and Appearance

The National Planning Policy Framework 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. 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 and the way it functions.

Saved Policy QL9 states that all new development should make a positive contribution to the quality of the local environment, new buildings must be well designed and maintain local character, and development must relate well to its site and surroundings particularly in relation to its scale, massing, form and design. These sentiments are carried forward in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The front elevation of the existing dwelling faces a cul de sac of similarly designed two storey detached dwellings with relatively open frontages and adjacent garages. The dwellings to the north and west of the site comprise of semi-detached chalet bungalows with front dormer windows. As a result of the dwellings existing corner plot location the front and side of the dwelling appear prominently within both of these streetscenes.

Due to their positioning on their plots the dwellings sited to the north and west create a relatively strong building line with the host dwellings garage and original side elevation also respecting this. Whilst the existing dwelling has been extended previously with a small side extension which extends beyond this building line this previous enlargement is only single storey and was considered acceptable under planning permission 07/01054/FUL.

The proposed two storey extension extends beyond the side elevation of the existing dwelling and beyond the building line created by the properties to the west. When viewing the proposal from the side the two storey nature of the proposal and the dwellings existing corner plot location would result in the proposal appearing prominently within the streetscene. Whilst the plans do show potential screening by way of new boundary planting it is considered that this would not be enough to overcome the issues raised above.

The proposed extension will protrude 4.6m beyond the side wall of the dwelling also appearing prominently when viewing the front of the dwelling. Only one of these dwellings "65 Village Close" has received planning permission under reference 02/01784/FUL for a two storey side extension however this nearby plot is located towards the end of the cul de sac on a wider plot and in a less prominent location. The excessive width of the proposed enlargement would appear as an incongruous and dominating feature which would only be further exacerbated by its corner plot location. Furthermore there are no features on the front of two storey extension resulting in a large expanse of brick and roof being on show and preventing it from relating appropriately to the existing dwelling.

It is therefore considered as a result of the proposals siting and excessive size that the proposed extensions would result in detrimental harm to the visual amenity and character of the existing dwelling and area.

#### Highway Safety

Essex County Council Highways have been consulted as part of the application and have no objections to the scheme subject to conditions which could be complied with. The proposal will therefore not result in a harmful impact to highway safety.

#### Impact on Neighbours

The would not result in a significant loss of light or outlook to the neighbours as it will be predominantly screened by the host dwelling and sited ample distance away from neighbouring boundaries.

The proposal will include a new first floor bedroom window which will result in some overlooking 22 Village Close sited to the east. As this window will only gain direct views into this neighbours front garden the loss of privacy in this instance is not so significant to refuse planning permission upon.

### Other Considerations

Frinton and Walton Town Council recommend approval for the application.  
No other letters of representation have been received.

### Conclusion

The proposed development by virtue of its size and scale will result in an incongruous form of development to the main dwelling, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies.

## **6. Recommendation**

Refusal - Full

## **7. Conditions**

- 1 The National Planning Policy Framework 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. 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 and the way it functions.

Saved Policy QL9 states that all new development should make a positive contribution to the quality of the local environment, new buildings must be well designed and maintain local character, and development must relate well to its site and surroundings particularly in relation to its scale, massing, form and design. These sentiments are carried forward in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the dwellings corner plot location the side and front elevations of the existing house appear prominently within two different streetscenes which vary in appearance and character due to the difference in property designs. The properties to the west create a relatively strong building line whilst the dwellings to the south and south east have open frontages with only one having a visible side extension. The proposal by virtue of its size and bulk would appear prominently within both of these streetscenes over dominating the existing house and not conforming to any of these existing characters. This would further be exacerbated by the interruption of the existing building line and open character of its corner plot location.

The proposed development by virtue of its size and scale will result in an incongruous form of development to the main dwelling, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local 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.