

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	27.6.19
Planning Development Manager authorisation:	AN	27/6/19
Admin checks / despatch completed	SB	28/06/19

Application: 19/00704/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Pallemarts

Address: 73 Fourth Avenue Frinton On Sea Essex

Development: Proposed first floor side extension.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

None received

3. Planning History

06/00769/FUL	Erection of new dwelling (demolition of part of existing house).	Refused	31.10.2006
06/01892/FUL	Proposed new dwelling (Demolition of part existing house) Resubmission of application 06/00769/FUL.	Refused	02.02.2007
06/02011/TPO	Reduce by 20% - 2 x Hawthorns and 3 x Purple Plum trees.	Approved	22.01.2007
06/02012/TPO	2 x Silver Birch - reduce by 1/3.	Approved	22.01.2007
08/00984/FUL	Erection of detached two-storey dwelling and single detached garage (following demolition of existing two-storey extension to no. 75 Fourth Avenue); and construction of new vehicular access.	Approved	16.09.2008
09/01010/FUL	Erection of 1 no. detached two storey dwelling and construction of vehicular access.	Refused	25.11.2009
10/00422/FUL	Erection of 1no. detached two-storey dwelling and construction of vehicular access, as amended by	Approved	10.06.2010

drawing nos. 4.05 Rev A, 4.04 Rev A, 4.03 Rev A, 4.06 Rev A, 4.02 Rev A.

12/00834/TPO	T1, T4 - Hawthorn - dead or dying - fell. T2, T3 - Purple Plum - dead or dying - fell		04.09.2012
13/01201/TPO	1 No. Silver Birch - reduce crown by approximately 30-35%, remove to main branch collar lowest branch growing towards boundary.	Approved	19.11.2013
14/01355/FUL	First floor side extension (above existing garage).	Refused	13.11.2014
15/00150/FUL	Erection of first floor side extension (above existing garage).	Refused	09.04.2015
19/00704/FUL	Proposed first floor side extension.	Current	
19/00905/TCA	1 No. Silver Birch - reduce by 30%, 1 No. Silver Birch - fell large stem leaning over rear garden, 1 No. Silver Birch - reduce to 12-15 foot.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

FW5 The Avenues Area of Special Character

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL11 The Avenues Area of Special Character, Frinton-On-Sea

Local Planning Guidance

Essex Design Guide

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)

Site Description

The property is less than 10 years old, originally forming part of the curtilage of No. 75 Fourth Avenue. Externally the property is finished below first floor cill level in engineered red brick, with the upper parts being self-coloured render and a plain tiled roof. The property has a block-paved hardstanding which is of sufficient size to accommodate two vehicles. Properties within the locale are varied in regards to their age and external appearance though are typically medium to large scale detached dwellings.

Flank-to-flank separation distances in the region of 1.5m exist between Nos. 73 and 75, with No. 75 being to the north. No. 75 has four ground and one first floor side-facing windows.

Description of Proposal

The application proposes a first floor side extension around 3.1m wide and 11.2m deep, set back 0.9m front the front façade. The roof would be a hipped mono-pitch with eaves at 4.8m and an overall ridge of 7m. Internally the floorspace would enlarge two existing bedrooms. Externally the extension would be finished in engineered brick and render to match the ratios of the existing dwelling.

In 2014 a planning application was submitted for a first floor extension above the existing garage; in refusing the application the Officer considered that "Due to the width of the existing garage and off centre door, a first floor addition above results in a two storey side element with off centre windows appearing too thin and out of proportion with the main dwelling. Moreover, the contrived roof form with its small flat roof link together with the inadequate spacing to the boundary results in an incongruous form of development.

Whilst it is recognised that the set back from the highway marginally minimises the overall visual impact within the street scene, the poorly designed and proportioned extension is unsympathetic to 'The Avenues' Area of Special Character and fails to preserve or enhance the Frinton and Walton Conservation Area". The applicant appealed against the decision by the Local Planning Authority to refuse the application and, in reaching the decision to dismiss the appeal, the Inspector concluded also that "the proposal is not of an appropriate design or scale or proportion and it would appear out of character. Its design and width would add a bulky and awkward feature, exacerbated by the flat roof link, and jar with the host property". And "the proposal would unacceptably reduce the gap and make it narrow in comparison to many of the gaps along the street in this ASC and CA. This would result in a wide building on the site and a cramped appearance." And "Whilst the appellants point out other similar or closer relationships than this, including the closeness between Nos 68 and 70, these are the exception not the rule along the street and detract from the overall spaciousness of the area."

Since the refusal of the 2014 application and subsequent dismissal at appeal, the neighbouring dwelling at No. 75 has a first floor side (north) extension granted; the officer commenting that, in terms of the built relationship with the boundary "The surrounding dwellings all extend close to the side boundaries, and the existing dwelling is somewhat smaller than those surrounding it, and the proposal will result in a dwelling that reflects the same proportions and setting of the surrounding dwellings". There is no mention in the delegated report of any assessment against the requirement(s) of Policy FW5 and the application was approved. The circumstances of this approval have been cited by the applicant's representative as a material consideration in the determination of this application.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

Given the scale, siting and design of the proposed extension would not cause material harm to the character and appearance of the surrounding area.

Conservation Area

Policy EN17 requires that development within a Conservation Area must preserve or enhance the character or appearance of that Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area (including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features), where the height, siting, form, massing, proportions, elevation, design, or materials would not preserve or enhance the character of an area. Emerging Policy PP8 reflects these considerations.

The Avenues is one of the five character areas which form part of the wider Frinton & Walton Conservation Area. The houses are generally detached set in spacious gardens, the streets themselves are wide and spacious, and generally straight.

Policy FW5 requires that new development in “The Avenues” area 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. Emerging Policy PPL11 reflects these considerations.

No. 77 Fourth Avenue had a two storey side extension granted planning permission in 2000 (00/00981/FUL). This extension abuts the boundary at ground floor and is inset from the boundary by 1.0m at first floor. No. 75 had a first floor side extension granted in 2017 (17/00959/FUL), the officer determining that “Dwellings in the area are predominantly large two storey houses which are relatively tightly spaced so the impact on the street scene from this first floor extension is considered to be minimal”. As such, whilst the proposed first floor extension reduces the spacious character at first floor level to a degree; having regard to the design of adjoining buildings where first floor or two storey extensions have been approved and built, little weight can be given to an objection in this regard.

Impact on Neighbours Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 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'.

The two windows in the ground floor flank of No. 73 to the north which are likely to be affected by the proposal are those at ground floor and are of a high-level type, serving the front lounge and a snug. The lounge has triple-aspect windows with a large window facing due east and a further window facing due west. The effect of the siting and height of the existing dwelling has on the level of daylight these secondary windows are likely to receive is unlikely to be affected to a damaging level.

The siting and scale of the extension proposed would not result in any adverse impact on the amenities of neighbouring residents in terms of having a damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Highway Issues

The proposal does not generate an additional need for parking.

Other

<p>The proposal states that the distance between 73 and 75 will be similar to 75 and 77 if not greater. This is incorrect. Previous applications state that the distance between the proposed extension and our property will be just under 2.3 metres (225cm). The distance between our property and property 77 first floor wall is just under 3 metres (295cm). We note that the main rationale for the re-submitted proposal is the construction of our first floor extension above what was a flat roof double garage. We are unclear why our extension would be of particular significance.</p>	<p>Planning applications that have been granted approval are a material consideration that hold significant weight in the determination of subsequent applications in very close proximity.</p>
<p>The proposal states that the 'proposed extension will not have an adverse impact on daylight'. This is incorrect. Our neighbours may have been unaware at the time of their application - we have now drawn this to their attention - that our living room and dining room</p>	<p>Addressed in the report above.</p>

both have windows that currently benefit directly from light that will be excluded by the erection of a first floor extension to number 73. The loss of light to those main living areas would have an adverse impact on the enjoyment and use of those rooms.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 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 plan: PFA/19/01, received 3rd May 2019.

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

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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?		NO
Are there any third parties to be informed of the decision?		NO