

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	03.7.19
Planning Development Manager authorisation:	AN	4/7/19
Admin checks / despatch completed	SB	04/07/19

Application: 19/00702/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr & Mrs Kunzer
Address: 73 Third Avenue Frinton On Sea Essex
Development: Proposed re-instatement of dormer windows.

1. Town / Parish Council

Frinton and Walton
Town Council APPROVAL

2. Consultation Responses

None received

3. Planning History

03/02099/TCA	Reduce and shape 4 Silver Birch trees by 25% Reduce and shape Willow tree in lawn area by 30% Reduce hard back Willow tree in right hand boundary with decay to leave 2 metres above the main fork Reduce Lombardii Poplar tree by 50% back to cast cutting points (rear boundary) Reduce Weeping Willow tree in far right hand corner by 30%	Approved	12.11.2003
05/01856/TCA	Large Sycamore on front boundary - reduce and shape by 30-35%. 3 Lime trees on side boundary re-pollard.	Approved	02.12.2005
07/01985/TPO	1 No. Willow - reduce part over Holly to 6' above fork and remainder by 35%. 1 No. Poplar - reduce height to last cutting points, remove 2 branches leaning over Second Avenue, remove 2 branches in Cupressus hedge	Approved	04.01.2008
91/00163/OUT	The erection of two dwellings (Land to the rear of The Long House and fronting Second Avenue).	Approved	26.06.1991
14/01002/TPO	1 No. Weeping Willow - fell. 1 No.	Approved	13.08.2014

	Weeping Willow - pollard. 4 No. Silver Birch - reduce by 30%.		
17/01903/OUT	Outline application with all matters reserved except access for the construction of 1 no. proposed dwelling.	Approved	09.03.2018
19/30040/PREAPP	Proposed re-instatement of dormers and windows including new staircase.		27.03.2019
19/00702/FUL	Proposed re-instatement of dormer windows.	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

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The Long House is a large detached dwelling set within a large plot with mature planting to all its boundaries. The property was constructed in the 1925 and is built of traditional construction; the external walls are finished with cream render with Tudor style timber beam detail to the front elevation and the roof is finished with plain tile. The windows are white UPVC. The property has had some minor extensions including a single storey extension to the south elevation, a single storey extension to the garage and single storey extension to the north/rear elevation to form accommodation for the pool. In 1955 four second floor flat roof dormer windows, 2 on the front elevation and two on the rear elevation, which were constructed when the property was originally built, were removed externally; the walls forming the rooms were retained within the roof space.

Description of Proposal

The submitted application seeks approval to reinstate the removed dormers in the location they were originally constructed. The dormer cheeks will be rendered externally, the roof will be flat and finished with lead. The windows will be constructed in timber and decorated white. The dormers will be incidental in the roof plane, and being of modest size to provide light to the roofspace. They do not detract from the existing features of the property and are being reinstated with materials which would have been used to construct them in 1925.

Assessment

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below. The main considerations in this instance are the design and appearance of the proposed extensions/alterations, whether they preserve or enhance the character of the Conservation Area and their impact on residential amenities.

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 dormers they 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. Whilst the site is not referred to specifically within the Conservation Area Appraisal, "The Avenues" are collectively referred to as 'generally detached, with inventive massing and a wealth of attractive details carried out in the finest materials'. It goes on to state 'their most important characteristics are, in general, asymmetrical plans and elevations; large, spreading and uninterrupted roof slopes; chimneys; combinations of facing materials; and the use of inventive detail'.

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.

The proposed development is considered to have a neutral impact on the conservation area. There are other examples of dormer windows in the locality. The houses in the street vary in style and design. The rear dormers will not be publicly visible. The 2 no. front dormers will also be well screened from view by the mature planting located within the front boundary of the site. Any views of the dormers possible from the street scene would not appear out of character with the area.

Impact on Residential 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 application site is set within a large plot with mature, tall trees and hedgerows located on, or close to, the boundaries of the site. Due to their position on the dwelling, their minor nature and the separation between plots the dormer windows are not considered to cause any adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property, and would be acceptable in this regard.

Highway Issues

The proposal does not generate an additional need for parking.

6. Recommendation

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: KSA-02; 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