

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	10 th Sept
Planning Development Manager authorisation:	AN	12/9/19
Admin checks / despatch completed	OR	13/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	OR	13/9/19

Application: 19/01079/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Kevin Gaughan

Address: 4 Central Avenue Frinton On Sea Essex

Development: Variation of conditions 3 and 5 for planning application 17/00882/FUL to allow views from first floor living space and natural ventilation to first floor shower room.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

No comments received

3. Planning History

17/00882/FUL	Alterations and extensions to residential dwelling.	Approved	21.07.2017
18/01976/DISCON	Discharge of Condition 4 (Construction Method Statement) of application 17/00882/FUL.	Approved	04.02.2019
19/01079/FUL	Variation of conditions 3 and 5 for planning application 17/00882/FUL to allow views from first floor living space and natural ventilation to first floor shower room.	Current	

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 application site is located on the eastern side of Central Avenue and also situated within the Frinton Park Conservation Area. The application site consists of a large detached bungalow with a hipped roof with living accommodation at first floor level. To the rear the property has been extended by virtue of a flat roof conservatory area. The rear garden is enclosed by 1.8m close boarded fencing on its south-eastern boundary and a 1.8m brick wall on its northern boundary shared with no.6. The character of the road is one of detached bungalows although several have had loft conversions served by dormer windows. The property to the south-east at no.2 is angled away from the application site to make full use of the sea views to the south. The development approved under application 17/00882/FUL has made significant progress, though at the time of the site visit the property was by no means habitable due to the extent of the works still required.

Proposal

This application proposes making two amendments to the approved development. The first amendment is to install a clear-glazed, openable window at first floor level towards the rear of the north-west facing elevation. The window would provide natural ventilation to the en-suite shower room. The second amendment is to the first floor side-facing window towards the front of the

south-east facing elevation; it is proposed to install a Brise-Soleil to the external face of the building across the exterior of the glazing, the glazing would be clear rather than obscuring glazed.

Principle

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

Design, Appearance & the Conservation Area

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.

Saved Policy EN17 requires that development within a Conservation Area preserves or enhances the character or appearance of the 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.

As stated above the application site is located within the Frinton Park Conservation Area. The associated conservation area appraisal confirms that 'Frinton Park is a distinctive part of the Area, containing the surviving parts of an estate planned in the 1930's and comprising the largest group of Modern Movement houses in the country'. The appraisal goes on to confirm that Central Avenue was intended as the focus of the Frinton Park Development but now contains 'unexceptional bungalows on both sides, with a variety of garden frontage treatments and one or two fairly small street trees'. The appraisal then states that 'all the properties in this section of the area are neutral factors because they have no intrinsic interest'.

In approval application 17/00882/FUL it has already been established that, in terms of the detailed designed of the property, the clean sweeping lines and the materials of smooth white render and aluminium openings are synonymous with the modernist movement style properties of the locality. In regards to the north-west facing window, it is of a modest size and entirely appropriate in regards to the overall design of the altered dwelling. In regards to the south-east facing window, no change is proposed in regards to the size of the opening; the installation of a brise-soleil/louvers is considered to continue to enhance the character of the area through the introduction of a modern-movement dwelling.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 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 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In regards to the first-floor north-west facing window, the insertion of which will not have a materially damaging impact on the privacy of occupiers of nearby properties as it would permit limited views across the roofslope of No. 6 Central Avenue.

Condition 3 of the approved scheme (17/00882/FUL) required that the full height first floor living room window in the south-eastern facing elevation be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. In regards to the installation of the louvres to the first-floor south-east facing window, these would in fact improve the amenities of the occupiers of No. 2 Central Avenue as they would significantly reduce any perception of overlooking which could occur through an obscurely-glazed window; it is not considered necessary to re-impose the condition requiring the glazing to be obscured.

Highways/Parking

In regards to the parking provision, this remains unchanged since the approval of application 17/00882/FUL and the proposed alterations neither generate nor decrease the parking provision. In February 2019 an application to discharge the Construction Management Plan condition attached to 17/00882/FUL was approved. It is considered unnecessary therefore to re-impose this condition.

Other Considerations

One letter of objection was received from an adjacent neighbour that the proposed changes would invade the privacy of the first floor bedroom. These concerns have addressed in the body of the report.

In the absence of any material harm resulting from the two changes to fenestration proposed, the application to vary Condition 3 (obscure glazing) and Condition 5 (approved plans) is considered acceptable.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 Prior to the first occupation of the dwelling the louvre fins to the full height window at the south-east corner of the first floor, as shown on the approved drawings, shall be installed and retained thereafter as approved in perpetuity.

Reason - To protect the privacy of adjoining residents.

- 2 Prior to the first occupation of the dwelling the privacy screens to the front and rear balconies, as shown on the approved drawings, shall be installed and retained thereafter as approved in perpetuity.

Reason - To protect the privacy of adjoining residents in the interests of residential amenity.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 31B (proposed ground floor plan), 33B (proposed first floor plan), 37B (proposed front elevation), 38B (proposed rear elevation), 39B (proposed side elevation to 2 Central Avenue), 40B (proposed elevation to 6 Central Avenue) received 19th July 2019 and 19 (proposed street scene), 20 (proposed block plan), 21 (site plan) received 30th May 2017.

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