

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	23/12/2019
Planning Development Manager authorisation:	TF	23/12/19
Admin checks / despatch completed	CC	23/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	23/12/19

Application: 19/01187/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Priestley

Address: Land adjacent The Grange 31 Fourth Avenue Frinton On Sea

Development: Variation of condition 2 of planning permission 18/01857/FUL, to vary the design shown on the approved plans.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the dwelling 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 more than 3.6 metres (4 low kerbs) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. If the vehicle access is connected with No.31 then the length is 8 low kerbs which is 7.2 metres wide, 4 low kerbs in front of each property.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and 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. The dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the dwelling thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM1.

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/carrageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM1.

7. Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1.

8. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are 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: 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 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the

Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

00/01712/TCA	Front boundary - reduce height of 3 large Cupressus Leylandii trees by 50%, reduce the side branches of to a height of 3m above ground level to clear public footpath	Approved	09.11.2000
93/00989/FUL	(50ft frontage to Holland Road, adjacent and west of 31 Fourth Avenue, Frinton on Sea) Erection of a dwelling	Refused	05.10.1993
03/02322/TCA	To remove a single side branch that overhangs the pavement and road.	Approved	17.12.2003
05/00627/TCA	Remove Monterey Cypresses	Approved	04.05.2005
05/00745/TCA	Removal of Willow tree	Approved	12.05.2005
06/01885/CON	Construction of new dwelling. Demolition of 2 garages and construction of 3 garages.		06.12.2006
06/01888/FUL	Construction of new house on part of existing garden to 31 Fourth Avenue.	Refused	26.06.2007
08/00648/TCA	1 x Sweet Chestnut - fell and replace.	Approved	22.05.2008
09/00572/FUL	Erection of single storey rear extension and insertion of bay window to side elevation.	Approved	17.08.2009
09/00573/CON	34m ² extension to rear of property to provide kitchen and dining area and alteration to window at side of property.		17.06.2009
10/00272/FUL	Erection of 1.8m high timber fencing.	Refused	03.06.2010
10/00277/FUL	Single storey extension installation of french doors to south elevation, installation of window to north elevation and roof light to west elevation of existing garage.	Approved	15.07.2010
12/00054/FUL	Extensions and alterations (retrospective). (amendments to planning permission 10/00277/FUL). Erection of brick	Approved	05.04.2012

	boundary wall.		
14/01627/TCA	1 No. Purple Prunus - reduce and shape by 35% 1 No. smaller Cupressus - fell. 3 No. Large Cupressus - reduce the height by approximately 50%. Rear garden - 2 No. Ash - reduce by 30%, reduce side branches to shape and contain . 1 No. Laburnum - deteriorating - fell. 1 No. Oak - reduce and shaping back to last cutting points (25%).	Approved	25.11.2014
18/01857/FUL	Proposed dwelling.	Approved	04.01.2019
19/00746/TCA	1 No. Hawthorn - fell, 1 Purple Prunus - reduce by 30%, 1 No. Bay Tree - fell, 1 No. Prunus - fell, 1 No. Ash - reduce by 35%, 1 No. Oak - reduce by 35%	Approved	14.06.2019

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

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

FW5 'The Avenues' Area of Special Character

EN17 Conservation Areas

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

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

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Frinton and Walton Conservation Area Character Appraisal (March 2006)

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested

at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 31 Fourth Avenue, Frinton-on-Sea (known as 'The Grange'). The Grange is a large detached dwelling located on the corner of Fourth Avenue and Holland Road. It is an imposing property which has been converted into three flats, one on each floor.

The application site itself measures 15m in width and forms part of the side garden area currently serving The Grange. The site frontage onto Fourth Avenue is screened by a line of conifers together with a 1.8m high close boarded fence with trellis. A vehicular crossover leading to parking for The Grange exists on the Fourth Avenue frontage while a further access and double garage fronts Holland Road.

Number 27 Fourth Avenue lies immediately to the south. This more modern detached house has an Arts & Crafts design, with a single storey garage and gym/office positioned alongside the boundary with the application site.

The site is within an area which is entirely residential in character within the Frinton Settlement Development Boundary. The houses forming the street scene are predominantly two-storeys in height, are almost entirely detached dwellings and many have examples of dormer or rooflight features. The property is within the Frinton and Walton Conservation Area and The Avenues Area of Special Character.

Description of Proposal

The application seeks a variation to the plans previously approved under planning application 18/01857/FUL.

Application 18/01857/FUL was granted for the erection of a 5 bedroom detached dwelling.

This application seeks to amend the approved plans as follows;

Front elevation –

- Small hipped roof porch addition
- Chimney moved to the front roof plane
- Front first floor bay window addition
- Decorative soffit boards added

Rear elevation –

- 1 metre added to ground floor projection with a flat roof
- Juliette balcony added
- Larger bi-fold doors added at ground floor
- Approved door amended to a window
- Decorative soffit boards added

South side elevation –

- One window changed to a high level window
- External chimney stack removed (moved to front roof plane)
- Rear ground floor addition visible
- Decorative soffit boards added

North side elevation –

- Chimney stack moved to front roof plane
- Rear ground floor addition visible
- Porch addition visible
- Front first floor bay visible
- Decorative soffit boards added

Other amendments –

- Details of the front boundary wall and railings have also been added to the block plan and street scene plan.

This application seeks to replace approved Drawing no. PFA – 01 Revision A with Drawing on. PFA – 01 Revision C.

Assessment

The principle of development and the acceptability of the erection of a 5 bedroom detached dwelling has been established through the granting of planning application 18/01857/FUL.

The proposed amendments impact upon the design and appearance of the development and residential amenities. These therefore form the sole considerations relevant to the determination of this variation of condition application.

The main considerations are;

- Design and Appearance (including impact upon the Heritage Asset);
- Residential Amenities, and;
- Representations.

Design & Appearance/Impact on Heritage Assets

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework advocates that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 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. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

Furthermore, the site is located within the Frinton and Walton Conservation Area. Saved Policy EN17 of the adopted Tendring District Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. These sentiments are carried forward in the emerging Local Plan through Policy PPL8.

Also of particular relevance in this instance is saved Policy FW5 of the adopted Tendring District Local Plan (2007) which states 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. The preamble of this policy states that well-designed infill development on plots at least 15 metres wide may be acceptable. The equivalent within the emerging plan is Policy PPL11 but this holds limited weight as present due to the stage and status of the local plan.

The current scheme is for a development on a plot 15 metres in width. The arrangement shown on the submitted layout plan demonstrates that the dwelling would be located 1.5m from the boundary with number 27 with a distance of 2.5m between the two dwellings themselves (garage directly adjacent). Moreover, a space of 3.7m would remain between the flank wall of the new dwelling and the boundary, and a further 1.0m would apply to the boundary and flank wall of The Grange. Thus, a space of some 4.7m would remain between the proposed and existing properties to the north and 2.5m to the south. This arrangement is considerably greater than most other properties fronting Fourth Avenue, respecting and contributing to the open spatial character of the area.

Dwellings within the Avenues range in size and appearance with different projections to the front and rear meaning that there is no rigid or strong building line. The proposed dwelling would occupy a footprint similar to that of surrounding dwellings. The 1 metre rear addition and porch addition are

not excessive, do not extend rearward or forward to a harmful degree and do not increase the footprint or scale of the dwelling to an unacceptable level. As a result the proposed building would not represent a cramped form of development detrimental to the street scene. Furthermore, it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.

The proposed dwelling is of a similar scale and appearance to surrounding dwellings whilst having its own identifiable character. The suitably scaled flat roof dormer, chimney, forward projecting gable with contrasting materials, traditional style windows and bay window are all characteristic of the area and contribute positively to the overall design and appearance of the proposed dwelling.

The height, siting, form, massing, proportions, elevation and design of the amended proposal therefore preserve the character and appearance of the conservation area.

Residential Amenity

The NPPF, in 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 of the Tendring District Local Plan (2007) 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'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

The distance to neighbouring properties ensures no material loss of sunlight or daylight and the relationship with neighbouring windows will not result in any material overlooking or loss of privacy.

The addition of a Juliette balcony is essentially a full height window and does not create a sitting out area. Any views or overlooking from the proposed Juliette balcony are comparable to the previously approved window and will not result in any harmful overlooking or loss of privacy that warrants refusal of planning permission. It is noted that the Juliette balcony could be added under permitted development rights. A condition will be imposed to ensure that this aspect of the development is erected prior to occupation and retained in this approved form. A true balcony above the ground floor projection would require planning permission which would allow further assessment of any impact upon neighbouring amenity.

The proposed dwelling and donor dwelling would be served by private amenity areas in excess of those required by saved Policy HG9 of the adopted Tendring District Local plan.

Representations

Frinton and Walton Town Council recommend approval.

2 letters of objection have been received from the neighbouring properties. Their concerns can be summarised and addressed as follows;

- Invasion of privacy from the introduction of a Juliette balcony.
- Overdevelopment.
- Extends beyond building line.

These concerns are addressed in the main report above.

Conclusion

In the absence of any material harm resulting from the amended proposal, the 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 04.01.2019.

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 PFA-01 Revision C.

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

- 3 No above ground works shall be commenced until samples of the external facing and roofing materials to be used in construction of the dwelling and full material details of the front boundary wall and railings have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that the development is appropriate within its conservation area and special character area setting as insufficient information has been submitted with the application.

- 4 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To ensure that the development is appropriate within its conservation area and special character area setting.

- 5 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the conservation area and special character area.

- 6 Prior to occupation of the dwelling 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 metres (3 metres minimum - 6 metres maximum) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. If the vehicle access is connected with No.31 then the length is 8 low kerbs which is 7.2 metres wide, 4 low kerbs in front of each property.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 7 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.

- 8 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.

- 9 The dwelling shall not be occupied until such time as the car parking area, indicated on the plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the dwelling thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 10 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 11 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason - To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

- 12 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 13 Prior to any above ground level works, drawings to a scale of not less than 1:20 fully detailing the new windows and doors to be used and indicating materials, decorative / protective finish, cross sections for glazing bars, sills, heads and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the special character area and conservation area.

- 14 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its conservation area setting.

- 15 Prior to the occupation of the dwelling hereby approved, the glass screen forming the Juliette balcony shall be erected and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure that the development is appropriate in terms of residential amenities.

8. Informatives

Positive and Proactive Statement

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.

Highways Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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 or by post to:

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Colchester Highways Depot,
653 The Crescent,
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CO4 9YQ

Landscaping Informatives

In respect on the landscaping scheme required by the above condition, a decorative hedge should be planted on the garden side of the hereby approved front boundary wall. The area between the parking space to the front of the dwelling and the boundary with the highway should be soft landscaped and include at least two specimen trees.