

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	30/01/2020
Planning Development Manager authorisation:	TF	31/01/2020
Admin checks / despatch completed	CC	31/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

**Application:** 19/01780/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Scott Robertson

**Address:** 3 Cliff Way Frinton On Sea Essex

**Development:** Alterations and extensions to existing dwelling.

### 1. Town / Parish Council

Frinton and Walton Town Council

REFUSAL - against the loss of a dwelling of such outstanding character, enhanced by the distinctive 1930 green roof tiles.

Would spoil the street scene leaving an over emphasis of Art Deco style houses.

### 2. Consultation Responses

Essex County Council Heritage

The application is for alterations and extensions to the existing dwelling.

The building is located outside and within the setting of a conservation area and is considered a 'non-designated heritage asset' within its own right, with regard to the NPPF.

I do not support this application and recommend it is refused.

The building was constructed in the inter-war period. Whilst it has been significantly altered, and in a manner which has changed the character of the building, it has still retained aesthetic value and the use of a glazed pantile is faithful to the period in a hipped roof of this form. The building, in its existing state, provides an appropriate aesthetic junction between the contemporary development to the east and the later development to the west, making a positive contribution to the setting of the conservation area.

The proposal will have an adverse impact. This will be a significantly large development which will completely alter the building aesthetically. The proposed height is not sympathetic to the adjacent building in the conservation area. The significance of the existing building will be lost, through the removal of many character defining features, as will the contribution this makes to the setting of the conservation area.

This is considered to cause direct harm to the non-designated heritage asset which should be considered under paragraph 197 of the NPPF. The proposal also represents inappropriate development in the setting of a designated heritage asset (the conservation area) and detracts from the significance of the heritage asset. This 'less than substantial harm' should be considered under paragraph 196 of the



NPPF.

The application does not include a Heritage Statement and as such is not compliant with paragraph 189 of the NPPF.

### **3. Planning History**

19/01780/FUL	Alterations and extensions to existing dwelling.	Current
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### **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  
HG14 Side Isolation  
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
SPL3 Sustainable Design  
PPL8 Conservation Areas

Local Planning Guidance  
Essex County Council Car Parking Standards - Design and Good Practice  
Essex Design Guide

#### **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 to the east of Cliff Way, inside the development boundary of Frinton on Sea. The north and eastern boundaries of the site are directly adjacent to the Frinton Park Conservation Area. The site serves a detached two storey dwelling, including an integral garage, a front dormer window and single storey flat roof rear projections. It is constructed with white render and green clay tiles. The front of the site is laid to lawn with a paved driveway leading to the garage and a path leading to the front door. Iron railings that sit upon a red brick wall form the front boundary treatment to the site. The rear of the site is an irregular shape predominantly laid to lawn, with a patio area adjacent to the rear of the dwelling, fencing on the boundaries, planting and outbuildings.

### **Proposal**

The application proposes alterations and extensions to the existing dwelling. It includes the removal of the existing pitched roof and replaces it with a contemporary flat roof to create an art deco style property. The extensions include:

- A single storey rear extension;
- A front infill extension to the garage;
- Extensions to create increased living areas at first and second floor level;
- A two storey semi-circular addition to the front entrance porch; and,
- A car port in front of the dwelling.

The proposed development will be constructed of white render with black anodized aluminium cladding to the roof and black aluminium windows and doors. The new hardstanding at the front of the property will be installed using porous asphalt. The front boundary wall will consist of a white rendered blockwork wall with timber fencing on the boundaries to the rear of the site.

### **Representations**

Frinton and Walton Town Council recommend refusal for this application due to:

- The loss of a dwelling of outstanding character, enhanced by the distinctive 1930 green roof tiles; and,
- Over emphasis on Art deco style houses - spoiling street scene.

Essex County Council's Place Services Historic Buildings and Conservation Specialist does not support the application for the following reasons:

- The existing dwelling makes a positive contribution to the adjacent conservation area.
- The significantly large development will completely alter the building aesthetically.
- Proposed height is not sympathetic to the adjacent building in the conservation area.
- Inappropriate development that causes direct harm to the non-designated heritage asset.
- Application does not include a heritage Statement

Frinton and Walton Heritage Trust submitted comments regarding the design of the proposed development, and provided photos of the original building.

12 letters of representation have been received from members of the public raising concerns over:

- Overlooking and loss of privacy (see officer report)
- Height of boundary fencing (2m high boundary fencing can be erected without the benefit of planning permission (unless adjacent to the highway), however, an informative is added to the permission to reinforce that anything taller than 2m would require a separate planning application).
- Parking (see officer report)
- Removal of vegetation and re-landscaping (re-landscaping and the removal of vegetation and trees does not need consent outside of the conservation area)



- Impact of the second floor (see officer report)
- Requirement for a construction method statement: including parking, vehicular access, the repair of damage and debris caused through construction and hours of working (The requirement for a construction method statement for a householder planning application is not considered necessary or reasonable due to the minor nature of the development)
- Loss of a landmark building (see officer report)
- Design and heritage (see officer report)

### **Assessment**

The main considerations of this application are the design, impact on adjacent conservation area, parking and impact on residential amenity.

### **Policy Considerations**

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy HG14 of the Tendring District Local Plan (2007) states that extensions over 4 metres in height will be required to retain appropriate open space between the dwelling and the side boundaries to ensure the new development is appropriate in its setting and does not create a cramped appearance; and to safeguard the amenities and aspect of adjoining residents.

Policy EN17 states that development will be refused for development located outside a Conservation Area if it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.

### **Design**

The proposed development is considered to be a significant re-development of the site, with the proposed extensions and alterations transforming the dwelling from a pitched roof property to a flat roof Art Deco style property. The properties adjacent to the application site, namely the flats at No. 2 and No. 4 Cliff Way, are both art deco style buildings, with other properties located further along Cliff Way and into the Frinton Park conservation area being of a similar design. This results in the development not appearing out of character with the prevailing character of properties in the area.

The development will be set within a large plot with over 1m separation from either side boundary, compliant with Policy HG14, resulting in a development that will not look cramped within the plot. The development will result in a development that does not exceed the height of the existing dwelling and aside from the modest car port will maintain the existing building line of the dwellings along Cliff Way.

The original dwelling, prior to the addition of the green tile roof was of a similar flat roof, art deco style appearance, and whilst it is noted that appearance of the existing dwelling will alter considerably, the proposed development will modernise the dwelling whilst not appearing out of character with other properties in the area, making it a development that is appropriate in the street scene. Furthermore, the dwelling is set back from the road by over 10m so whilst the development will be visually different from the existing dwelling it will not be a dominant feature, particular when considering the forward, dominant position of the flats at No. 2 Cliff Way within the street scene.

### **Impact on Adjacent Conservation Area**

The application site is adjacent to the Frinton Park conservation area. A Heritage Statement has been included within the submitted Design and Access Statement which states that the development "will preserve, enhance and give purpose to the existing property and sit comfortably with the adjacent conservation area setting". ECC Place Services have been consulted on the



application due to its position adjacent to the conservation area. They have confirmed that they do not support the application as it would cause direct harm to the non-designated heritage asset. These comments have been noted, however due to the various similar art deco style properties in the area that date back to the 1930's as well as more recently approved new builds and renovations in the vicinity, on balance the development would not appear out of character with the area, is acceptable in design terms and is therefore not considered to impact negatively on the adjacent conservation area.

It is further noted that the Frinton Park Conservation Area appraisal collectively refers to the application site and other adjacent properties outside of the conservation area by saying: "The Area ignores the group of possibly inter-war houses on the curve of Cliff Way before leading onto the Frinton's sea frontage south of Pole Barn Lane". It was clearly considered that the application site was not of significant merit to include within the conservation area, and whilst views of the development will be possible from within the conservation area the aesthetic alterations are not considered to cause an adverse impact on the visual amenity of the area.

### **Parking**

The application results in the existing 4 bedroom dwelling increasing to a 5 bedroom dwelling. The development retains the integral garage whilst enlarging it slightly with a front infill extension, but the internal dimensions are substandard to those required within the current parking standards. The current parking standard require 2 no. off street parking spaces for dwellings with 3 or more bedrooms. The hard surfacing proposed at the front of the site can easily accommodate these standards, providing space for at least 3 cars. For this reason there is no objection to the level of off road parking available at the site and the development is considered acceptable in this regard.

### **Impact on Residential Amenity**

The proposed development is located 1.2m from the southern side boundary shared with the block of flats at No. 2 Cliff Way, and 1.9m from the northern side boundary. Due to the irregular shaped rear garden the closest point of the rear boundary is 18.2m from the development.

The existing dwelling has numerous openings that face onto the side boundaries of the site. The new windows in the side elevations at ground floor level will be mostly screened by the boundary treatments at the site. The only new window at first floor level is a window serving bedroom 2 and en-suite on the north side elevation. This will replace existing windows but will be located closer to the neighbouring property. Notwithstanding this the side elevation of the neighbouring property facing this window is blank and the position of the window is such that direct views into the neighbour's garden will not be possible. All other windows at first and second floor level are existing, or replace existing.

A sun terrace/balcony area is proposed to the rear of the property at first floor. To ensure that no overlooking or loss of privacy is caused to adjacent neighbours a privacy screen is proposed. A condition is imposed to ensure that this screen is retained at all times to protect the privacy of occupiers of neighbouring property.

The 45 degree sunlight/daylight rule contained within the Essex Design Guide has been applied to this development and there is no concern regarding any significant loss of light as a result of this development.

Whilst the second floor of the development will be visible from neighbouring property to the rear the development is such a significant distance from these neighbours that there is no concern regarding significant loss of privacy or overlooking to these neighbours that would warrant the refusal of planning permission.

Overall, subject to compliance with the above mentioned condition, the development is not considered to have any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.



## Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, 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 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 and documents: Drawing No. 19-080-00BP, Drawing No. 19-080-003, Drawing No. 19-080-004, Drawing No. 19-080-005 and Design, Access and Heritage Statement dated November 2019.

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

- 3 The obscure glass privacy screen serving the sun terrace shown on Drawing Number 19-080-005, shall be installed prior to occupation of the development and shall be retained as such thereafter.

Reason - To protect the privacy and amenities of the occupiers of neighbouring property.

## 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.

### Boundary Treatment Informative

To be permitted development any fence, wall or gate should not exceed 2m in height, unless the fence, gate or wall is adjacent to the highway at which time it should not exceed 1m. Should you propose to erect any boundary treatments that exceed these limits a separate planning application would need to be submitted.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO