

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	18/09/2020
Planning Development Manager authorisation:	SCE	18.09.2020
Admin checks / despatch completed	DB	18/09/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18/09/2020

**Application:** 20/00927/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs S Robertson

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

**Development:** Proposed alterations and extensions to existing dwelling including a roof terrace on first floor.

### **1. Town / Parish Council**

Mr FRINTON & WALTON  
TOWN COUNCIL  
28.08.2020

REFUSAL - concern was expressed for the privacy of neighbouring properties from the roof terrace.

### **2. Consultation Responses**

Building Control and  
Access Officer  
07.08.2020

No comments at this stage.

### **3. Planning History**

19/01780/FUL	Alterations and extensions to existing dwelling.	Approved	31.01.2020
20/00434/LUPRO P	Proposed 12m x 6m garden room for incidental use to the enjoyment of the dwelling house.		14.05.2020
20/00927/FUL	Proposed alterations and extensions to existing dwelling including a roof terrace on first floor.	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
- QL11 Environmental Impacts and Compatibility of Uses
- HG9 Private Amenity Space
- EN17 Conservation Areas
- TR7 Vehicle Parking at New Development

### *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
- Local Planning Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

### Site Description

The site is that of a detached house on the landward side of Cliff Way, Frinton-on-Sea, 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. It is constructed with white render and green clay tiles.

### Proposal

Proposed alterations and extensions to existing dwelling including a roof terrace on first floor.

The application seeks full planning permission but is very similar to an application seeking minor amendments.

The changes from the design with an extant planning permission, 19/01780/FUL, are set out in the heritage statement addendum. The changes are summarised by the agent as follows:

“Following the Approval of Application 19/01780/FUL this new application seek approval for the following design modifications:

1. Increasing the internal headroom on the 2nd floor by raising the roof height by 200mm / 8inches.
2. Adding high quality glass balustrades to the front facing flat roofs at 2nd floor level to create roof terraces.
3. Revising the rear facing windows.”

### Appraisal

The principle of the loss of the existing roof has already been established by extant planning permission 19/01780/FUL.

Given the planning history of the property, this appraisal will relate only to the proposed changes from the previously approved plans.

It is considered that the most significant proposed change is that a front roof terrace would be created. However, this is not a novel feature from the design already approved; rather it is an enlargement to a feature which already exists on the approved plans. Drawing 19-080-004 of planning permission 19/01780/FUL is annotated to the effect that there would be a sliding screen recessed from a balcony type area shown on approved plan 19-080-003. The balcony area as approved would be some 0.8m deep. The current proposal is for this feature to be some 1.7m deep.

The approved plans also show a quadrant shaped outside seating area set into an internal corner of the plan of the front of the house at second floor. This would be accessed via a pair of double doors from the master suite. It is now proposed that this element of the design be accessed via three pane sliding doors from the study.

These two outside seating areas would be provided with a glass balustrade.

Notwithstanding that these areas are not novel features, the block plan, a map of the area and aerial photography with images of the street have been examined. Plans for 2 Cliff Way have also been referred to (reference 09/00937/FUL). A site visit to view the site and its surroundings from Cliff Way was undertaken.

The roof terrace/balcony set at the internal corner of the front of the house would principally look out to sea. It would be possible to see the nearest side elevation of the flats at 2 Cliff Way and even part of the car park to the flats at the rear of the building but this would be a somewhat uninspiring view of the flank of a tall building. Glazing to the side elevation of 2 Cliff Way appears to be either obscure glazing or high level, as commented on by a member of the public. The existing house has a window at the level of the proposed balustrade area. Due to isolation distance and vegetation in the rear garden of 1 Cliff Way, no material overlooking of the rear garden of 1 Cliff Way is envisaged. Due to the detailed design of the building at 2 Cliff Way in combination with

a significant distance between balcony and neighbouring built form, it is considered that there would be no material overlooking from the quadrant shaped balcony set in the internal corner of the plan of the house.

With regard to the roof terrace/balcony set further forward, this would also essentially look out to sea. Views to the north and to the south, to the sides, would be possible but to the north this would be over the front garden of 4 Cliff Way. The proposed second floor balcony could look down on an existing first floor balcony at 4 Cliff Way (the forward most balcony at 4 Cliff Way, the other balcony at 4 Cliff Way being set so much deeper into its site so as not to be overlooked from the application property). However, the forward most balcony at 4 Cliff Way is visible from a very wide angle of view (due to the curve to the line of the highway) and so does not have a private setting now. Furthermore, there would be a distance of some 10m between the forward most balcony of the application property and the forward most balcony of 4 Cliff Way. To the south the proposed forward most balcony would view ground of 2 Cliff Way set between the building and the highway, ground already in public view.

In conclusion with regard to the proposed roof terraces, it is considered that there would be no material loss of amenity to any neighbour. Accordingly the proposal is acceptable with regard to Policy QL11.

Features to facilitate enjoyment of a sea view could be said to be a characteristic of the wider area, an illustration on page 16 of the Conservation Area Management Plan shows an example. The roof terraces are essentially of the nature of balconies and would appear as such in the streetscene. The appearance of the design, including front "roof terraces", is considered to be of a very high quality. The proposal is considered acceptable with regard to Policy QL9.

The raising of the final roof height by 20cm would be in the context of a three-storey flat roofed detached house. The extant planning permission changes the form of the house from two-storey plus hipped roof to three-storey with flat roof. The extant planning permission was granted on the basis of the maximum height as proposed being no greater than the maximum height existing: 7.87m. It is now proposed to increase the maximum height of the built form from 7.87m to 8.07m, an increase of 2.5%. This limited increase in height would in practice be undetectable and there can be no reasonable justification for refusal.

The rear facing windows would be changed in that a window has now been deleted at first floor level and the windows at second floor level are now arranged in a symmetrical way. The changes can most clearly be discerned by comparing approved drawing 19-080-004 with proposed drawing 19-080-004 REV A. The proposed alterations for the windows on the rear elevation would improve the design.

The application was advertised by a site notice and letters were sent to occupiers of 14 neighbouring properties. 3 written responses from the public have been received, 2 raising objections and 1 in support. Points raised in objection are as follows:

- The roof terrace outside the study would lead to a loss of privacy
- including a roof terrace on the first floor would be out of keeping with surrounding well established Art-Deco buildings in Cliff Way which only have balconies

Points raised in support are as follows:

- It is worth noting that the Northern Elevation of 2 Cliff way is mainly opaque glazed
- The proposed minor change are behind the building line
- To see this property transformed into a Modernist masterpiece is win win as far as I am concerned

The Town Council recommends refusal citing concern for the privacy of neighbouring properties from the roof terrace.

There would be no material loss of privacy and the areas of roof terrace would have an acceptable appearance in the streetscene and be in character with the wider setting of the property, as discussed above.

**6. Recommendation**

Approval.

**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 and documents: 19-080-00LP; 19-080-BP REV A; 19-080-001; 19-080-002; 19-080-003 REV B; 19-080-004 REV A; 19-080-005 REV A; 19-080-006 REV A; 19-080-007 REV A; and, Design, Access and Heritage Statement with Heritage Statement Addendum.

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 19-080-003 REV B and 19-080-005 REV A, 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.

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>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO

