

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	20.10.2020
Planning Development Manager authorisation:	SCE	21.10.2020
Admin checks / despatch completed	DB	23/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	23/10/2020

Application: 20/01133/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr & Mrs T Dalton
Address: Red Roofs 81 Second Avenue Frinton On Sea
Development: Erection of detached garage following removal of existing garden shed.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
21.09.2020

APPROVAL

2. Consultation Responses

Essex County Council
Heritage

This application is for the erection of detached garage following removal of existing garden shed.

The property is located in the Frinton-on-Sea and Walton Conservation Area.

The height of the proposed detached building would result in dominant addition to the plot of Red Roofs and result in a structure that appears as one and a half storeys. The proposed garage would crowd the plot and create a convoluted roof scape which would be visible when travelling along Ashlyn's Road. The proposed roof material of slate would also be inappropriate as it would contrast with the principal house. Further information would also be required regarding the roller shutter doors.

I would be unable to support this proposal as it would fail to preserve the character and appearance of the Conservation Area. With regards to the National Planning Policy Framework (2019), the level of harm is considered to be 'less than substantial' as per paragraph 196.

There may be potential for the construction of a detached garage. However, it should be more appropriate in the context of the principal house.

3. Planning History

00/01068/TCA	Remove 2 diseased Crab Apple trees	Approved	07.08.2000
00/01921/FUL	Alterations and extensions to provide utility room and WC infill with new games/hobbies room within new pitched roof over existing garages	Approved	08.02.2001
TPC/95/39	Willow	Current	26.09.1995
93/00949/FUL	Extension to garage and a new studio	Approved	05.10.1993
02/01825/TCA	Reduce and shape one Sorbus tree by 25%	Approved	31.10.2002
04/00085/FUL	Alterations and extensions to provide utility room and WC infill with new games/hobbies room within new pitched roof over existing garages. (Variation to previous approval 00/01921/FUL)	Approved	04.03.2004
20/01133/FUL	Erection of detached garage following removal of existing garden shed.	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)

SP1 Presumption in Favour of Sustainable Development

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, 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 (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a detached garage following removal of existing garden shed.

Application Site

The site is a corner plot located to the west of Second Avenue, within the Development boundary of Frinton on Sea. The site also falls within the Frinton on Sea and Walton Conservation Area. The Site serves a detached two-storey dwelling finished in red bricks and render. There is an attached double garage located to the north of the property.

Assessment

Design and Appearance and Heritage Impact

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.

The application site is located within the Frinton and Walton Conservation Area. Policy EN17 of the Adopted Local Plan states that development should look to wither or enhance the character and appearance of a conservation area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.

Essex County Council Place Services have been consulted with regards to this proposed development. Place services have commented that the height of the detached building would result in a dominant addition to the plot of Red Roofs and result in a structure that appears as one and a half storeys. The proposal will crowd the plot and create a convoluted roof scape which will be visible when travelling along Ashlyn's Road. The proposed roof material of slate would also be inappropriate as it would contrast with the principal house. It was concluded that they would be unable to support the proposal.

The proposed detached garage will be located to the north of the site, set further back from the existing double garage. It will measure 4 metres wide by 6.5 metres deep and have an overall height of 5.2 metres. The exterior walls will be finished in a matching brickwork with grey boarding and the roof will be pitched and finished in a natural slate. The windows and doors will be white UPVC to match those of the existing dwelling

Contrary to Place Services comments, the proposal is deemed to be of a size and scale appropriate with the existing dwelling and surrounding area, the application site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space. Although the proposal will be visible to the streetscene from Ashlyn's Road, it is largely shielded by the existing fencing and trees along the boundary line, causing the proposal to have less of an impact within the streetscene and it is not thought to appear overly dominant within the site, the ridge height of the proposed new garage will be approximately 1 metre lower than the ridge height of the existing garage and therefore appears as subservient. The proposed materials are also thought to complement the existing dwelling and surrounding area. Although the use of grey boarding on the external walls is introducing a different finish to the site, grey boarding can be seen on other dwellings within the streetscene and is not deemed to have an adverse impact on the visual amenities of the area, nor is it considered to harm the conservation area.

Impact to Neighbouring Amenities

The NPPF, 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 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).

The proposal is set away from any shared neighbouring boundary lines and is not considered to have a significant impact on the loss of privacy nor daylight, nor thought to cause any other harm to the amenities of the adjacent neighbours.

Highway issues

The Proposal complies with Essex County Council Requirements for a garage to have minimum dimensions of 7m x 3m.

Other Considerations

Frinton and Walton Town Council supports this application.

Essex County Council Place Services object to this application.

no other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Approval

- 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; Drawing No. TDC-0720-01-1

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

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.

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