

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	14/12/2020
Planning Development Manager authorisation:	TC	14/12/2020
Admin checks / despatch completed	CC	15/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	15.12.2020

Application: 20/01479/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr & Mrs Murray

Address: 33 Fourth Avenue Frinton On Sea Essex

Development: Single storey extension and detached outbuilding.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
23.11.2020

Recommendation: APPROVAL

2. Consultation Responses

Essex County Council
Heritage
27.11.2020

The building is located within Walton and Frinton Conservation Area and makes a positive contribution to the character and appearance of the Conservation Area. The building is identified as a non-designated heritage asset, of historic and architectural interest, as an impressive example of Edwardian architecture within the Conservation Area.

I am supportive of this application subject to the following conditions:

- o Installation of windows shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- o Above ground construction shall not commence until additional a schedule of proposed external finish materials, including proposed brick bond style has been submitted to, and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- o Rainwater goods shall be white or black (as appropriate) painted or powder coated metal and shall be permanently maintained as such.

3. Planning History

04/00155/FUL	Conversion of garage to residential dwelling.	Approved	26.04.2004
04/00167/CON	Conversion of domestic garage to residential dwelling.		24.01.2004
15/01680/TELLIC	Removal and replacement of existing PCP shell	Determination	16.11.2015
18/00347/TCA	Fell - 1 Acer, 1 Prunus, 1 Maple, 1 Griselinia, 5 trees (unknown species). Replanting scheme to be undertaken by Paul Baines Garden Design	Approved	03.04.2018
20/01479/FUL	Single storey extension and detached outbuilding.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

FW5 The Avenues Area of Special Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impact and Compatibility

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

Proposed construction of a single storey side extension and detached outbuilding.

Application Site

The site is located to the West of Fourth Avenue within the development boundary of Frinton on Sea and within the Frinton and Walton Conservation Area. The site serves a detached Edwardian dwelling constructed of brickwork with painted render and a pitched red tiled roof. The surrounding streetscene is comprised from dwellings of various scale and design, materials present include mostly brickwork.

Assessment

Design and Appearance

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.

Side Extension

The proposed side extension would measure 1.2 metres wide by 2.8 metres deep with an overall height of 3.8 metres. This would represent a marginal extension to the existing utility space leading off the kitchen, with the height and pitch of the roof remaining consistent with the existing roofline. As a result, it is deemed that this proposal is of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining ample private amenity space.

The proposed extension will be located to the side of the property and therefore would be partially visible from the streetscene. However, the scale and design of the proposed is not deemed to have a negative impact on the overall visual amenity of the streetscene. The proposal will be constructed from brickwork and finished with painted render and a pitched tiled roof, which match the existing building to ensure its visual impact is further reduced. The existing timber window will also be preserved to further mitigate any visual disturbance to the site.

Detached Outbuilding

The proposed outbuilding would be used to provide additional storage for bikes and gardening equipment. The proposed structure would measure 4.8 metres wide by 5 metres deep with an overall height of 3.3 metres. It is deemed that this proposal is of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining ample private amenity space.

The proposal would be situated to the rear of the property so would be entirely obscured from view of the streetscene of Fourth Avenue. However, as the site is situated on the corner of Fourth Avenue and Holland Road the proposed outbuilding would be visible from Holland Road owing to the exposed nature of the rear garden from this approach. The design utilises both a red tiled pitched roof and an external finish consistent with the existing dwelling including timber windows. These finishes would mitigate the impact of the proposed on the visual amenity of the streetscene from Holland Road.

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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties are 35 Fourth Avenue and 20 Holland Road.

Impact on 35 Fourth Avenue

The proposed side extension would be constructed along the boundary between the two properties; however, its single storey nature and sympathetic design mean that its impact on No. 35 would be limited. The proposal would be a single storey construction with no windows facing towards this neighbouring property or shadowing any existing windows of No.35. It is therefore deemed that the proposed development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 35.

The proposed outbuilding would be located along the existing boundary fence between the two properties, so would be visible above the existing fence line of this neighbouring property. However, the presence of the high trees along the fence of No.35 would ensure that the proposed outbuilding would be mostly obscured from view. As a result, it is deemed that the proposal would not result in a material loss of daylight or privacy to No.35.

The neighbour has provided objections to the proposed outbuilding owing to loss of daylight to the garden of No.35. However, these concerns have been assessed above and no material planning consideration has been breached.

Impact on 20 Holland Road

The proposed side extension is set away from No.20 and as a result, it is deemed that it would not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 20.

The proposed outbuilding would be set away from the boundary of No.20 by 1 metre, and would not represent a materially damaging impact to the daylight nor privacy, nor to cause any other harm to the amenities of No.20.

Heritage Assets (Conservation Areas)

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The site is considered a non-designated heritage asset owing to its status as a good example of Edwardian architecture within the locale. As a result, every effort should be made to ensure that any development proposed should enhance rather than detract from

the existing dwelling. With the chosen finishing material and design, it is deemed that the proposal would not materially harm the amenities of the locale nor heritage asset.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance 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. Emerging Policy PPL8 reflects this consideration.

The development should as a result, be consistent with the existing dwelling and reflect the special character of the surrounding locale through its material choices and design.

“The Avenues” Area of Special Character, Frinton

The “Avenues” to the west of Connaught Avenue shopping centre and north of the Esplanade forms a sedate residential area of outstanding Arcadian character, with wide, straight, tree and hedge lined avenues, grass verges and large, spacious detached houses set in mature gardens. The mature landscape features must be retained to preserve the Arcadian setting of the many individually designed houses of distinctive architectural styles. In addition, new development, both extensions and the very limited opportunities for infilling, will be expected to reinforce this special quality with appropriate landscaping and tree planting.

As the spacious scale of buildings and extensive plot frontages and sizes also contribute to the special character of the Avenues, residential densities that may be suitable for infill housing development elsewhere will be inappropriate in this area. Well-designed infill development on plots at least 15 metres wide may be acceptable in some cases. However, new dwellings would need to stand on plots that compare favourably with neighbouring houses to the side and access the road, thus requiring frontages of significantly more than 15 metres in many cases to avoid any reduction in this special Arcadian character. The spacious appearance of important corner plots will be especially protected, as well as the aspect of houses which were specifically designed to have regard to side as well as rear garden areas.

The site is a prominent feature within the streetscene which contributes positively to the character of the conservation areas. Consideration needs to be given to preserving and enhancing the character of the conservation area. In this instance, do not consider that the proposed extension would have a detrimental impact to that character. The design and location of the proposed development are considered to provide the least intrusive impact on the site and the locale.

Policy FW5

Policy FW5 refers to “The Avenues” Area of Special Character and 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. This proposed development would be of a design and scale in keeping with the character and appearance of the area.

The proposed is deemed to be consistent with the terms of Policy FW5, as the design remains sympathetic to the existing dwelling and surrounding locale and does not reduce the spacious character of the area.

Highway issues

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

Frinton and Walton Town Council approve of this application.

Essex County Council Heritage conclude that this proposal will not detract from the character of the conservation area subject to the informatives detailed below.

Neighbour objection (No.35) to the proposed outbuilding.

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 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; Drawing No. MFA-01

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

- 3 The materials used in the construction of the proposed should be consistent with the existing host dwelling including timber windows, red tiles, rendered brickwork and white painted or powder coated metal rainwater goods including downpipes and guttering.

Reason – To comply with the conservation area considerations and ensure the visual amenity of the streetscene is maintained.

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.

Essex County Council Heritage

- Installation of windows shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
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- Rainwater goods shall be white or black (as appropriate) painted or powder coated metal and shall be permanently maintained as such.

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