

DELEGATED DECISION OFFICER REPORT

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Application: 20/01441/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Cheryl Bircham

Address: 45 Easton Way Frinton On Sea Essex

Development: Proposed summer house in rear garden to side of bungalow.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
23.11.2020

Recommendation: REFUSAL - overbearing and too great an effect on the street scene.

2. Consultation Responses

N/A

3. Planning History

20/01441/FUL Proposed summer house in rear Current
garden to side of bungalow.

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

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

The proposal seeks permission for a summerhouse in the rear garden to right side of the existing bungalow.

Application Site

The site is located on the corner of Easton Way and Rainham Way within the development boundary of Frinton on Sea, and occupies a prominent position within the streetscene. The site serves a semi-detached bungalow connected to the neighbouring property by the existing garages to its left hand side. The dwelling is constructed of yellow brickwork with a pitched green tiled roof. The surrounding streetscene is comprised from dwellings of similar 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.

The design of the proposed summerhouse would be constructed of wood with a pitched timber roof with an overhanging front section. The finish would be a stained timber plank exterior, with a timber shingle roof and a protruding flue for the wood burner inside. The entrance door and side facing windows would also be constructed of stained timber. These finishes are in contrary with the existing dwelling and surrounding locale, which contributes to the damaging impact on the visual amenity of the site.

The proposed summerhouse would measure 4.8 metres wide by 7.7 metres long with an overall height of 3.9 metres. The proposal is deemed to be of a size and scale which is inappropriate to the existing dwelling and surrounding area. The exposed nature of the site means that the structure would be clearly visible from the approach from both Easton Way and Rainham Way. The existing fence line would only marginally obscure the proposal, and therefore would represent a materially damaging impact on the visual amenity of the streetscene. As a result, it is deemed that the proposal does not relate well to its site and surroundings and would set a damaging precedent for similar development to be constructed within the locale.

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 58 Rainham Way and 43 Easton Way. Both neighbouring dwellings are set some distance away from the proposal. It is therefore deemed, that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of these properties.

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 recommends that this proposal is refused on account of it being overbearing and having too great an impact on the street scene.

One letter of complaint has been received, suggesting that if planning permission is granted for a building of this size, in this position, it will open a floodgate of similar developments in Frinton.

Conclusion

It is considered that the proposed development is not consistent with the National and Local Plan Policies identified above. In summary, the prominent location of the site and the scale, design and materials of the proposal is deemed to not relate well to its site and surrounding. As a result, it contradicts policies QL9, QL10 and QL11 of the saved local plan. This proposal is subsequently recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Paragraph 127 of the NPPF states that planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment. Policy QL9 and QL 11 of the Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and is of a suitable scale and nature appropriate to the locality. These sentiments are carried forward within Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal is deemed to be of a size and scale which is inappropriate to the existing dwelling and surrounding area. The exposed nature of the site means that the structure would be clearly visible from the approach from both Easton Way and Rainham Way. The existing fence line would only marginally obscure the proposal, and therefore would represent a materially damaging impact on the visual amenity of the street scene. Furthermore, the proposed timber finish would be out of character with the existing dwelling and the surrounding locale. For the above reasons, it is considered that the proposal fails to make a positive contribution to the quality of the local environment contrary to the aims of the above-mentioned national and local plan policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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

NO