

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	29/01/2021
Planning Development Manager authorisation:	SCE	03.02.2021
Admin checks / despatch completed	DB	04.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	04.02.2021

**Application:** 20/01717/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Lindsay Blyth

**Address:** 56 Second Avenue Frinton On Sea Essex

**Development:** Proposed single storey side extension to form utility room.

### 1. Town / Parish Council

FRINTON & WALTON  
TOWN COUNCIL  
11.01.2021

Recommends APPROVAL

### 2. Consultation Responses

Essex County Council  
Heritage  
07.01.2021

The application is for proposed single storey side extension to form utility room.

I do not support this application in its current iteration. However, my concerns can be overcome with minor amendments to the scheme which are outlined succinctly below:

- The application form notes timber windows whilst the drawings note UPVC windows. The drawings should be updated to note timber windows.
- The proposal extends beyond the rear building line of the host building, creating an awkward junction. I recommend the drawing is amended to show this either inline with the rear building line or ideally slightly inset by 300mm.
- The D&A Statement notes the brick masonry will match the host building, I suggest 'English Bond Masonry' is stipulated on the drawings.
- Rainwater goods should be noted as powder coated metal.
- It is recommended that the velux is clarified to be a conservation roof light.
- The acceptability of this proposal is found in its ability to be 'reversible'. Clarification should be made on the drawings that the existing door/window (or at least the window under the segmental arch) and brick dentil feature will be preserved as part of the proposal.

Should the above comments be addressed I would have no objection to this proposal. If the proposal remains unchanged, I recommend refusal considering paragraph 200 and 196 of the NPPF.

Should an application be permitted I recommend conditions are attached requiring samples/details of brick and roof tile as well as details of doors, windows and rooflight.

### 3. Planning History

01/01141/TCA	Lop 1 Mountain Ash and 2 Elm in garden	Approved	17.08.2001
02/01836/TCA	Reduce one large Ash tree by 25%, one large Elm tree by 25%, Fell one small Elm tree and cut back overhanging branches of aFruit trees from neighbouring property	Approved	30.10.2002
08/01408/TCA	Lime trees- cut back to boundary. Elm tree on right to be reduced by 30%	Approved	13.11.2008
10/01279/TCA	1 No. Elm - fell	Approved	29.11.2010
20/01717/FUL	Proposed single storey side extension to form utility room.	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)  
SPL3 Sustainable Design  
PPL8 Conservation Areas

Local Planning Guidance  
Frinton and Walton Conservation Area Character Appraisal (March 2006)

#### 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 10<sup>th</sup> 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 26<sup>th</sup> 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)**

### Application Site

The application site comprises of a two storey detached dwelling with a render finish and adjacent garage. Sited to the front of the main house is an existing area for parking and planting along the front boundary.

The site is located within the conservation area.

### Proposal

The application seeks permission for a proposed single storey side extension to form utility room.  
Assessment

### Design and Appearance/ Heritage Impact

The proposal will be sited to the side of the existing house however as the proposal will be set back from the front of the site with some elements screened by the existing garage and gate only minimal views of the new extension will be achieved from Second Avenue.

The proposal is of a single storey design which will appear as a subservient addition to the main house refraining it from having a negative impact to the appearance of the existing house and streetscene.

The existing house has been constructed from brick at ground floor level and render at first floor level. The proposed extension will be constructed from brick which will match that on the existing house.

As the site is located within the Conservation area the ECC Heritage and Environment Team have been consulted as part of the application. Whilst they raised initial concerns over materials in certain aspects of the proposal these have since been addressed by the submission of amended plans incorporating the relevant changes and clarifications.

The ECC Heritage team did suggest altering the position of the proposal however it is considered that the location of the proposal is appropriate and will not result in a negative impact to the overall appearance and character of the conservation area.

The ECC Heritage team have also requested that conditions clarifying the materials proposed and details regarding windows to be submitted should be imposed upon the permission. As the amended plans and email received on 18<sup>th</sup> January already clarifies these points and are acceptable it is considered that conditions of this nature are not required.

It is noted that whilst the overall area is mentioned, the application site itself is not awarded special mention within the Frinton on Sea Conservation Area Appraisal.

A Heritage Impact Assessment in line with the NPPF requirements, has also been submitted within the applications Design and Access Statement detailing the proposals impact on the conservation area.

As a result of its minor nature and positioning as detailed above it is concluded that the proposal will not result in a harmful impact to the character or appearance of the existing conservation area.

#### Impact on Neighbours

The proposal will not be visible to 54 Second Avenue as it will be screened by the host dwelling. The neighbour of 58 Second Avenue is set well back on its plot and the proposed extension will be set approximately 3.1m off of this neighbouring boundary. The proposal will be visible to this neighbour however due to the neighbours positioning and the distance of the proposal from the shared boundary any views of the proposal achieved by this neighbour will be minimal and will not result in a loss of light, outlook or privacy to this adjacent dwelling.

#### Other Considerations

It is noted that there are a number of trees on the site and therefore the Councils Tree and Landscape Officer has been consulted as part of the application and has stated that no trees or other significant vegetation will be adversely affected by the development proposal.

Frinton and Walton Town Council recommend approval for the application.  
No further letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed 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: 56/SAF/1A , email from agent dated 11th of January 2021 and Design, Access and Heritage Statement recieved on 27th November 2020.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.