

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	03/03/2021
Planning Development Manager authorisation:	SCE	05.03.2021
Admin checks / despatch completed	DB	05.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05.03.2021

Application: 20/01808/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Mack

Address: 15 Fourth Avenue Frinton On Sea Essex

Development: Proposed extensions and alterations.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
19.02.2021

Recommends: APPROVAL

2. Consultation Responses

ECC Highways Dept
01.03.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2010. It is noted that the proposals for the existing dwelling retaining adequate parking and turning, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access and retained free of obstruction above 1000mm at all times across the site frontage.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Prior to the completion of the extension the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

Note: You may only have a second crossing on unclassified roads but there must be a minimum length of 5 metres of high kerbs between the two crossings to prevent entire frontages being dropped.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

2: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period.

Essex County Council
Heritage
22.02.2021

Number 15 is a historic building in the Conservation Area which positively contributes to its character and appearance. Whilst the building has been subject to unsympathetic alteration, it retains its principal design characteristics. There are a number of design characteristics of this structure which are consistent with other contemporary buildings in the avenue such as an offset gable to one side and the general size and mass of the building.

Whilst I do think there is potential for extension and change to this building, I cannot support this proposal. The change to the front elevation would adversely alter the character and original design intent of the structure. The proposed front elevation would centralise the gable, creating a pastiche of this period architecture and a configuration which is not observed in the Conservation Area.

I do not consider the proposal to preserve or enhance the character and appearance of the Conservation Area. The proposed development will cause less than substantial harm to the Conservation Area and this should be considered under paragraph 196 of the NPPF.

I recommend this application is refused.

I think there is potential for development here which could also enhance the character and appearance of previous poor quality alteration. I recommend the applicant engages in pre-application advice to discuss parameters of appropriate development in more detail. This would include an extension which is likely set back from the front building line and is aesthetically subservient. This should also be informed by a more in depth understanding of the existing building, and Conservation Area, as required by paragraph 189 of the NPPF.

3. Planning History

20/01808/FUL	Proposed extensions and alterations.	Current
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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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 existing flat roof two storey extension to side. The dwelling is set back from the front of the site with parking to the side and large open frontage. There is also a large garden to the rear with fencing along each of the neighbouring boundaries.

Proposal

This application seeks permission for extensions and alterations to the existing house comprising of the following;

- Proposed Rear Extension
- Proposed Side Extension (including new roof to existing flat roof extension)
- Proposed extension to front.
- Alterations to front balcony and porch.
- New Vehicular Access

Assessment

Design and Appearance

Whilst the proposal will be a noticeable change to the application dwelling from Fourth Avenue it is noted that the existing house is situated on fairly wide plot and set back from its front boundary. This positioning will prevent the proposed alterations and enlargements from appearing cramped or intrusive features within the existing streetscene.

The existing dwelling has a flat roof side extension currently in situ at the site which is a noticeable and unattractive feature. Whilst the proposal will extend upon this feature it is also intended for the roof of this existing element to be changed from a flat roof to a hipped roof design. This roof design will also be applied to the new extension and will allow all elements to appear better inkeeping with the host dwelling. It is also noted that the applicant has included details such as a bay window at ground floor level to mirror that already at the existing house.

It is likely that due to the open spaces between plots that the alterations to the rear will also be visible however any views achieved of such are likely to be minor and will not infringe upon the existing streetscene.

The alterations and improvements to the balcony and porch are minor changes which will mirror aspects of "The Grand" located within the vicinity of the site. The alterations are considered appropriate to the existing house and will have a minimal impact to the existing dwelling and streetscenes overall character and appearance.

The proposal will be finished in render which will match the colour of the existing house. The site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space.

The Councils Tree and Landscape Officer has also been consulted to provide feedback on the proposals impact upon the existing landscaping at the site. He has confirmed that the proposal will not result in an adverse impact on the existing landscaping and vegetation at the site.

Overall it is believed that the alterations above are acceptable in terms of their impact to the area and are considered to contribute positively to the appearance and character of the existing house.

Highway Safety

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained measuring 5.5m by 2.9m per space. Whilst the proposal does include enlargements to the front and side the frontage of the site is large enough to facilitate the proposed extensions and still retains sufficient parking in line with the aforementioned standards preventing it from contravening highway safety.

The proposal also includes a new vehicular access which Essex County Council Highways have not objected to subject to conditions regarding pedestrian visibility splays, width of the access, surface water discharge and materials used.

The proposal is acceptable in terms of highway safety.

Impact to Neighbours

As a result of their siting and nature the proposed alterations to the front will not result in a harmful impact to the neighbouring properties.

Sited to the north is 17 Fourth Avenue, which comprises of a chalet bungalow type dwelling with its outbuildings closest to the application site and the house orientated away from the host dwelling. The proposed rear extension will not be visible to this neighbour as it will be screened from view by aspects of the existing house however the proposed two storey extension and new roof to the existing extension will be visible.

The new side extension includes two new ground floor windows which will face this neighbour however as a result of their siting on the ground floor it is likely any views will be obscured by boundary treatments and are therefore not a cause for concern in terms of loss of privacy. A new window is proposed at first floor serving the ensuite, whilst due to the nature of the room it will serve the window is likely to be obscure glazed it is believed that any overlooking from this room can be overcome by the implementation of a condition to the permission stating that this window should be obscure glazed to safeguard this neighbours privacy.

As a result of the width of the plot and the orientation of this neighbour on its own plot the proposal will be sited an ample distance away from this neighbour therefore not resulting in a significant impact in terms of loss of outlook. The proposed side extension due to its design and nature will not extend beyond the existing boundaries of the existing house so will not result in a loss of light to this neighbour. It is also noted that at present this neighbour has current views of the host dwellings unattractive flat roof extension and therefore the proposal is likely to improve any views achieved of this house by the neighbour.

Sited to the south is 13 Fourth Avenue which comprises of a two storey detached dwelling. The alterations to the two storey side extension will not be visible to this neighbour due to screening by way of the application dwelling. The proposed rear extensions will be visible however will be sited approximately 4.9m from this neighbouring boundary and would therefore not result in a significant loss of light or outlook to this neighbour.

The proposal includes three new openings at first floor level to the rear, one of which incorporates a Juliet Balcony which will overlook into the adjacent neighbours gardens as well as those who share the rear boundary of the site. Whilst this will result in a loss of privacy it is considered that as the surrounding properties are already heavily overlooked by one another that the loss of privacy in this case would not be so significant to refuse planning permission upon.

Heritage Impact

The proposal will result in a change of appearance to the existing house however the elements proposed are considered appropriate and respectful to the property. The applicant has carefully considered the character of the existing house and surrounding dwellings and has incorporated certain aspects such as matching bay window, consistent roof design and similar balcony approach to the flats nearby. The materials proposed are consistent with the host dwelling and the siting of the elements of the proposal will be set back to reduce their prominence.

Whilst the Frinton conservation Area appraisal provides details on "The Avenues" as a whole the application site itself is not awarded specific mention within the document.

It is therefore considered that as a result of the above that the proposal would not result in a significant harmful impact to the appearance and character of the conservation area.

Essex County Council Heritage have been consulted and object to the proposal stating that the proposal would be a harmful impact to the appearance of the character of the conservation area. It is noted that the proposal will result in a noticeable change to the appearance of the dwelling however the replacement of the flat roof extension is considered a visual improvement the dwelling. It is also noted that this section of Fourth Avenue is not considered to be a high quality part of the conservation area with many other houses being extended before. By the drawings provided it is clear that consideration has been taken to create a proposal which is respectful of the existing dwellings appearance and character preventing it from resulting in a harmful impact to the conservation area. The comments raised in this case by ECC Heritage are not considered so significant to refuse planning permission upon.

A heritage statement has been provided to accompany the application in line with the requirements of the NPPF.

Other Considerations

Frinton and Walton Town Council support the application.
There have been no letters of representation 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: 05B, 04 and 03.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window to the first floor side elevation serving a ensuite shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access and retained free of obstruction above 1000mm at all times across the site frontage.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

- 6 Prior to the completion of the extension the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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- 7 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

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.

Highways Informatives

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