

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	18/06/21
Planning Development Manager authorisation:	JJ	18/06/2021
Admin checks / despatch completed	DB	18.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.06.2021

Application: 21/00642/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Richard March

Address: Merryday Cottage 80 Second Avenue Frinton On Sea

Development: Erection of single storey courtyard infill extension

1. Town Council

FRINTON & WALTON Recommends: APPROVAL
TOWN COUNCIL
24.05.2021

2. Consultation Responses

None.

3. Planning History

None relevant.

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2019 (the Framework)
National Planning Practice Guidance

Local:

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses
HG14 Side Isolation
EN1 Landscape Character
EN17 Conservation Areas
TR1a Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

Section 1 (adopted):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Section 2 (emerging):

PPL8 Conservation Areas
SPL3 Sustainable Design

Supplementary Planning Guidance:

Essex County Council Development Management Policies 2011 (Highway DM SPD)
Essex County Council Parking Standards Design and Good Practice Guide 2009 (Parking SPD)

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the Framework.

The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets have been found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the NPPF 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 regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. It is therefore at an advanced stage of preparation. Following the Inspectors' final report and further public consultation, adoption is expected in late 2021. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan.

5. Officer Appraisal

The Site

Number 80 Second Avenue is an unlisted yet attractive two-storey dwelling situated within a substantial plot, at the northern end of Second Avenue within the Frinton and Walton Conservation Area. The site of the proposed extension is to the rear of the dwelling.

The Proposal

The application proposes a relatively small single-storey infill extension of pitched-roof design, with a small section of linking flat roof with a glazed lantern. The proposal would infill a small rear courtyard formed between later additions and would have folding doors within a newly formed gable. Materials proposed are to match the host dwelling. An existing up and over garage would be fully glazed as part of an internal layout reconfiguration to provide a gym and games room.

Heritage

In addition to its architecture and planform the character of the settlement is derived from its role as a seaside resort. The special interest of the Conservation Area in this location is defined, in part, by large detached dwellings within spacious plots on wide tree-lined streets, which are aligned north-south towards the esplanade. The Conservation Area Management plan describes the architecture of the area as '*a built catalogue of English domestic architecture from the foundation of the resort in the 1890s to its heyday in the 1930s*'. This range includes Arts and Crafts houses.'

Number 80 Second Avenue is built in the Arts and Crafts style and contributes positively to the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of “*preserving or enhancing the character or appearance*” of the Conservation Area. Following Paragraph 193 of the Framework, great weight is given to the asset’s conservation.

The infill extension would not be visible in views from within the Conservation Area. Whilst harm to Conservations Areas is not predicated on whether it is seen, the use of matching materials coupled with its limited scale and location means that it will not harm the architectural integrity of the host dwelling or the Conservation Area. The pitched-roof and new gable of the main body of the extension would tie in well with the variety of existing roof pitches and forms. The small flat roofed section and lantern would be barely visible. Subject to the prior approval of the lightweight glazing to the former garage door opening this contemporary alteration would not result in any demonstrable harm. To protect the conservation area prior approval of the walling and roofing materials should be required under a planning condition.

It is considered that the proposal would not harm the character or appearance of the Conservation Area and it would therefore comply with the aims of Policies EN1 and EN17 the adopted Local Plans. It would not conflict with emerging Policy PPL8. Because it would not harm the significance of a designated heritage asset the proposal would not offend Section 16 of the Framework. On this basis it has not been considered necessary to seek further heritage advice.

Living Conditions of Neighbours

The folding doors would face the neighbouring dwelling to the north. This dwelling has no windows at first floor and effective screening is afforded by boundary fencing and planting at ground floor. No other dwelling would be affected by the proposal and no objections have been received. As an infill extension it would not result in any side isolation. The proposal would not result in any unacceptable loss of light or overlooking, nor would it be overbearing. The proposal therefore complies with Policies HG14, QL11 and SP7 in these regards. It would not be at odds with Paragraph 127 f) of the Framework.

Highways

The dwelling benefits from a long drive and a substantial off road parking area. The loss of the garage does not therefore result in any unacceptable highway safety impacts. The proposal would not therefore conflict with Policies TR1 or TR7 of the 2007 Local Plan, or the Highways DM or Parking SPDs.

Representations

Frinton and Walton Town Council recommend approval of the application. No third party comments have been received.

Conclusion

Great weight is given to the conservation of the Conservation Area and the proposal would not harm its character or appearance. The proposal would not harm the living conditions of neighbours or highway safety considerations and it therefore accords with the development plan. Planning permission should therefore be granted.

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 strict accordance with the following approved plans:

Drawing No PL 01 Cover Sheet Site and Block Plans
Drawing No PL 12B Proposed Plans and Elevations

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

3. Prior to the application of any roofing or walling materials precise details shall have first been submitted to and approved in writing by the local planning authority. Thereafter all roofing and walling materials shall be in accordance with the details as may have been approved.

Reason: In order to protect the character and appearance of Frinton and Walton Conservation Area.

4. Prior to installation of the roof lantern, windows or folding doors hereby approved, precise details including cross sections, materials and finishes shall have first been submitted to and approved in writing by the local planning authority. Thereafter the roof lantern, windows and folding doors shall be in accordance with the details as may have been approved.

Reason: In order to protect the character and appearance of Frinton and Walton Conservation Area.

8. Informatives

1. 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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO