

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	16/06/2021
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: 21/00403/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs R Roye

Address: Beccles Rainham Way Frinton On Sea

Development: Erection of attached garage, garden room and porch. Proposed first floor extension to form habitable space in roofspace and internal and external alterations

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
04.04.2021

Recommends: APPROVAL

2. Consultation Responses

ECC Highways Dept
24.05.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. 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 2019. The Highway Authority observes that Warley Way is classified as a Private Road and would not normally comment, however, the proposals retain off-street parking for the dwelling with an improved vehicular access 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. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the vehicular access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests 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 carriageway 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 new vehicular access being used it shall be

constructed at right angles 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.

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.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/verge or where no provision is present, the carriageway.

Reason: In the interest of highway safety in accordance with policy DM1.

5. The existing access off Rainham Way that will become a pedestrian access shown on block plan (DWG. No. TDC-2021-1-05) and referred to in the Design and Access Heritage statement shall be reduced in width to a maximum of 2 metres incorporating the reinstatement of the highway verge immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. The Cycle / Powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety in 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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

2: 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

3. Planning History

00/01736/TCA	Fell Cupressus; pruning work to other trees as necessary	Approved	09.11.2000
21/00403/FUL	Erection of attached garage, garden room and porch. Proposed first floor extension to form habitable space in roofspace and internal and external alterations	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG9 Private Amenity Space
EN17 Conservation Areas
TR1a Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SPL3 Sustainable Design
PPL8 Conservation Areas

Local Planning Guidance
Essex Design Guide
Parking Standards Design and Good Practice Guide (2009)

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal

Proposal and Site Description

This application seeks planning permission for a single storey garage, garden room and porch to the detached bungalow of Beccles in Rainham Way. A proposed first floor extension on the northern corner of the bungalow which includes two pitched roof dormers facing south east, and a half round dormer in the existing south west roof slope also form part of the application. In addition the plans show the creation of a new vehicular access in Warley Way. Warley Way is a private road and therefore the new access does not require planning permission. Beccles is located within the settlement development boundary of Frinton on Sea and within the Frinton and Walton Conservation Area. The Conservation is a fine example of a planned resort that dates from the end of the 19th century, with its heyday some 30 years later. It contains many fine examples of English domestic architecture of the period, set in a spacious residential suburb, and linked to a famous main street and an important open space on the sea front.

Design, Appearance and Heritage Impact

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a conservation area preserves and enhances the conservation area setting. Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

The adopted Tendring District Local Plan (2007) "saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and area of a suitable scale, design and materials. Draft Policy SPL3 of the Tendring District Local Plan 2013 - 2013 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The application site is located in the Frinton Park area of the Frinton and Walton Conservation Area. It is recognised that Frinton Park largely centres on the Modern Movement houses and the masterplan drawn up by Oliver Hill. Warley Way and the immediate area has fewer of the Modern Movement style houses than the area nearer to the seafront however is included in the conservation area owing to being part of the original street plan which is considered part of the historic environment.

Beccles is a detached bungalow which follows the form of a majority of the bungalows in the immediate vicinity. There is just one individual house on the northern side of Rainham Way within the conservation area. This area of the conservation area is considered to have neutral features. The application site is prominent along Rainham Way as the road bends at this point, with one elevation facing onto Warley Way resulting in three of its four sides being publically visible.

The low level flat roof additions of the proposed single garage on the south eastern side and the garden room on the south western side of the existing bungalow will not look out of place due to the proposed external finish of render which matches the existing dwelling. The proposed half round dormer window on the south west roof slope alone appears unobtrusive and will not have a significant impact on the character of the existing dwelling, however coupled with the further proposals considered below, the half round dormer results in this element of the design opposing other features which does not achieve a harmonious overall appearance.

The proposed first floor extension introduces a number of new inappropriate forms by way of increased eaves height, two pitched roof dormers and pitched roof porch. The increased eaves height on this northern section of the existing bungalow creates a contrived first floor which does not accord with the existing and remaining single storey structure of the dwelling. The dormer windows which sit directly on the eaves, are close to the ridge and placed in close proximity to each other are considered poor in design terms and fail to satisfactorily relate to the existing dwelling. The porch itself is unassuming, however its proposed forward facing position draws attention to the incompatibility of this first floor extension giving rise to its prominence in the street scene. The first floor extension leads to an appearance that unbalances the dwelling and conflicts with the predominant single storey nature of this part of the conservation area.

In addition, the first floor extension would set an undesirable precedent for similar developments to the progressive detriment of the character and appearance of the conservation area.

Furthermore, the Essex Design Guide (2005) offers detailed guidance on what is acceptable design in relation to dormers. It states that they should be a minor incident in the roof plane and not over-dominant in their composition. Their purpose should be to light the roof space not gain extra headroom over any great width and they should not be located close to verges or hips.

A design, access and heritage statement has been submitted in support of the application. Officers have had regard to this statement which states “the proposals are of such a design and proposed appearance that they will not have an adverse impact on the character of the area and will therefore comply with...planning policies”. Additional information has also been put forward which provides examples of a comparative study of ridge heights of nearby buildings however it is considered that this does not provide sufficient justification for the proposed alterations. In any event, each application should be considered on its individual planning merits having regard to the character of the area and special designations in place (in this instance a conservation area).

Impact upon Neighbouring Amenities

The proposed flat roof garage will be sited 0.5 metres from the south eastern boundary shared with 2 Warley Way, measuring 3 metres in height, it will not have a significant impact in terms of loss of light to the neighbouring property. The garden room is sited a distance of 3.75 metres from the same side boundary. The first floor extension has dormers windows which face south east, however these overlook the front of the properties along Warley Way and do not overlook any private amenity areas. Overall the proposals are not considered to have a significant impact on neighbouring residential amenities.

Sufficient private amenity space will remain should the proposals be constructed.

There will be a change to the off road parking provision. The Council's Adopted Parking Standards require that for dwellings with two or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres, and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The proposed garage complies with the car parking standard and is able to provide one car parking space. Notwithstanding the proposed driveway shown in front of the new gates facing onto Warley Way is not wide enough to meet the car parking standard, there is space available in this location for the standards to be met and where one space can be provided.

Essex Highways were consulted as part of this application and confirm that the proposal is acceptable subject to conditions relating to the formation of the new access and the reduction in width of the existing access which will become redundant to vehicles.

Other Considerations

Frinton and Walton Town Council recommends approval of the application.

No other letters of representation have been received.

Conclusion

For the reasons set out above, the poor design and form of the proposal together with its over dominant nature and siting, fronting Rainham Way, will result in an unacceptable and unduly prominent form of development that is considered contrary to national and local policies being harmful to visual amenity and the character and appearance of the conservation area. The public benefits of extending a private dwelling are very limited (if any) and will not outweigh the harm identified.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

1. The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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The proposed half round dormer window on the south west roof slope alone appears unobtrusive and will not have a significant impact on the character of the existing dwelling, however coupled with the further proposals considered below, the half round dormer results in this element of the design opposing other features which does not achieve a harmonious overall appearance.

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For the reasons set out above, the poor design and form of the proposal together with its over dominant nature and siting, fronting Rainham Way, will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity which would harm the character and appearance of the Conservation area and conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the aforementioned Development Plan Policies. There are no public benefits to outweigh the identified harm to the heritage asset.

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.

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