

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	07.07.2021
Planning Development Manager authorisation:	SCE	09.07.2021
Admin checks / despatch completed	DB	09.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09/07/2021

Application: 21/00873/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Martin Tinsley

Address: 28 Second Avenue Frinton On Sea Essex

Development: Proposed demolition of existing conservatory. Construction and enlargement of kitchen, dining area and utility room extension.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
28.06.2021

RECOMMENDS: APPROVAL

2. Consultation Responses

Essex County Council
Heritage
23.06.2021

The application is for proposed demolition of existing conservatory. Construction and enlargement of kitchen, dining area and utility room extension.

The application site is located within a Conservation Area.

Considering the recent age of the host building, I have no objection to this proposal.

3. Planning History

94/01054/FUL	(Junipers, 28 Second Avenue, Frinton on Sea) Extension to garage and conservatory	Approved	30.09.1994
97/01337/FUL	New garage	Approved	20.03.1998
05/00854/TCA	Reduce Eucalyptus.	Approved	07.06.2005
09/00092/FUL	Erection of front porch.	Approved	12.05.2009
09/00577/TCA	1 Eucalyptus - crown reduction to just below previous cutting points	Approved	06.07.2009

09/01238/TCA	Remove 2 conifers and existing shrubs from front garden	Approved	21.12.2009
13/00494/TCA	Eucalyptus - reduced back to previous points.	Approved	28.05.2013
16/01887/TCA	1 No. Eucalyptus - pollard back to previous points. Reduce fruit tree by 20%	Approved	15.12.2016
19/01794/TCA	1 No. Eucalyptus - Reduce back to previous points	Approved	23.12.2019
21/00327/TCA	1 No. Conifer Hedge - Trim, 1 No. Pear Tree - Prune.	Approved	31.03.2021
21/00873/FUL	Proposed demolition of existing conservatory. Construction and enlargement of kitchen, dining area and utility room extension.	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Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Areas

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

SP7 Place Shaping Principles

SPL3 Sustainable Design

PPL8 Conservation Areas

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 adopted 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)

Proposal

This application seeks permission for the proposed demolition of existing conservatory. Construction and enlargement of kitchen, dining area and utility room extension.

Application Site

The site is located to the east of Second Avenue, which is located within the development boundary of Frinton on Sea. The site serves a detached brick built dwelling with render and hanging tiles to the principle elevation and a pitched tiled roof. The site is also located within the Conservation Area.

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 proposed rear extension will measure 10 metres wide by 4 metres deep with an overall height of 2.8 metres. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space. The design is also consistent and sympathetic to the existing host dwelling materials.

The proposed extension will be located to the rear of the property so would be entirely obscured from the streetscene by the existing dwelling. The proposal will be finished in painted render and feature a flat roof with white UPVC double-glazed windows and bi-fold doors to match the existing dwelling.

Conservation Area

As the site is located within the Conservation Area, the heritage officer has been consulted and provided the following comments:

The application is for proposed demolition of existing conservatory. Construction and enlargement of kitchen, dining area and utility room extension. The application site is located within a Conservation Area. Considering the recent age of the host building, I have no objection to this proposal.

As a result, it can be concluded that the proposal would not have a detrimental impact on the conservation area and is therefore consistent with policies EN17 and PPL8.

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).

As there is ample separation distance from the proposal and the neighbouring dwellings, it is deemed that it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby dwellings.

Highway issues

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

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 accordance with the following approved plans; Drawing No.

- TDC.21.05.01.1

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 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.