

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	25.08.2021
Planning Development Manager authorisation:	JJ	25/08/2021
Admin checks / despatch completed	DB	26.08.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.08.2021

Application: 21/01038/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Coster

Address: Firs Lodge First Avenue Frinton On Sea

Development: Erection of two storey side extension

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
19.07.2021

Recommends: - APPROVAL

2. Consultation Responses

Essex County Council
Heritage
06.07.2021

Built Heritage Advice pertaining to an application for: Erection of two storey side extension.

The development site is located within Frinton and Walton Conservation Area.

I am unopposed to the principle of a sympathetic extension to the property.

The property is neutral in its contribution to the Conservation Area, in my opinion the extension of the building in the same architectural style would not have an adverse impact on the character or appearance of this part of the Conservation Area.

However, the proposed four conservation rooflights are not supported, they are not a distinguishing feature of this part, or of the wider Conservation Area and would be detrimental to the character and appearance of the Conservation Area. Given the very high number of windows the first floor of the property benefits from, with two further windows at first floor and a large quantity of bifold doors proposed, the addition of attic rooflights is unjustified.

I am also unable to support the glass balustrade. As aforementioned, the building features a large quantity of glazing and seeks to increase this through sympathetic additions. The proposed glazed balustrading is however unsympathetic and results in an over-glazed rear elevation. The overglazing would be detrimental to the character and appearance of the Conservation Area.

While these two items remain proposed the scheme would be detrimental to the character and appearance of the Conservation Area and as such would result in a low-level degree of less than substantial

harm, making paragraph 196 of the NPPF relevant here.

I would however be supportive of a simple balustrade of painted or stained timber subject to its detailing which could be covered by a suitable worded condition.

Were the conservation rooflights and glass balustrade to be entirely removed from the scheme through submissions of revisions, or were the current application approved notwithstanding these two specific items, I would be unopposed to this application and recommend that all windows including bi-folds and flat skylights, external finish materials, and balustrade are conditioned.

Tree & Landscape Officer
07.07.2021

The development proposal would necessitate the removal of an established Pine to the west of the existing dwelling and situated in the grassed area between the dwelling and the highway. No other significant vegetation will be adversely affected.

As the application site is situated in the Frinton on Sea Conservation Area all trees on the land with a stem diameter equal to, or greater than, 75mm at 1.5m from ground level are afforded formal legal protection.

Whilst the Pine tree is a good specimen it has enormous future growth potential and is not an appropriate species for its location. The removal of the tree and its replacement with a more appropriate species would mitigate the harm caused to the amenities of the locality and secure a long term replacement that will enhance the character and appearance of the conservation area.

The area of grass to the front and side of the existing dwelling, adjacent to the highway, has the capacity to accommodate additional tree planting. New tree planting in this area would compensate for the loss of the mature and established Pine, make a positive contribution to the public realm and enhance the character and appearance of the conservation area.

It is considered that in total there is sufficient space for three new trees to be planted.

If planning permission were likely to be granted then a condition should be attached to secure replacement tree planting as described above.

Tree & Landscape Officer
19.08.2021

I can confirm that the proposed tree planting shown on the amended drawing attached to your e-mail is acceptable and, in time, will adequately mitigate for the loss of the pine.

3. Planning History

03/00772/TCA	Reduce height of Laylandii/Macrocapa trees	Approved	16.05.2003
03/00909/TCA	Reduce height of line of trees bordering property to a maximum of 10ft	Approved	22.05.2003
07/01105/TCA	26 No. Cupressus - reduce to 10 ft	Approved	06.08.2007

11/01282/TCA	1 No. Cherry - dead - fell. 1 No. Elderberry - fell	Approved	24.11.2011
18/01526/FUL	Proposed single storey garage and replace existing sun lounge with single storey rear extension.	Approved	19.11.2018
20/00941/TCA	3 Conifers - Remove and replace with 3 Conifers	Approved	12.08.2020
21/01038/FUL	Erection of two storey side extension	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
EN17 Conservation Areas
HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SP7 Place Shaping Principles

Relevant emerging (section 2) policies
SPL3 Sustainable Design
PPL8 Conservation Areas

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 National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 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 were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. 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. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the

2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Proposal

This application seeks planning permission for a two storey side extension to a detached dwelling within the development boundary of Frinton on Sea. The site is also within the Frinton and Walton Conservation Area.

The submitted plans show a single storey rear extension with raised terrace and side garage extension, these proposals were approved under 18/01526/FUL. The single storey rear extension with raised terrace will not be considered as part of this current application. The garage extension which extends further to the rear than that approved under 18/01526/FUL does form part of this current application as it is part of the two storey side extension proposed.

Design, Appearance and Heritage Impact

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 Avenues of Frinton on Sea are described in the conservation area appraisal as comprising the most exclusive streets in this resort. The appraisal goes on to confirm "The houses are generally detached, with inventive massing and a wealth of attractive details carried out in the finest materials. They are set in spacious gardens...mature planting completes this relaxed residential environment".

The existing dwelling has a roof of an unusual gambrel design which stands out in the street scene by way of its red colour and the positioning of the dwelling on a corner. The dwelling next door also has a gambrel roof that is less conspicuous due to its more muted colouring. The surrounding dwellings are large detached dwellings set in spacious plots as referenced in the conservation area appraisal. Extending the house on the southern side will increase the dwelling's prominence on the corner however the proposal takes forward the gambrel roof design of the existing dwelling and the use of matching materials to ensure the impact to the character of the existing dwelling and immediate area is not significant.

Essex County Council Place Services were consulted for heritage advice and they confirmed that the proposal, insofar as the two storey side extension is concerned, would not have an adverse impact on the character or appearance of this part of the conservation area. Place Services do not support the proposed roof lights, however two conservation roof lights already exist in the front roof slope and by adding a further two will create a sense of symmetry and bring the design to completion. For these reasons it is considered that this element of the proposal in particular (the additional rooflights) but also the proposal as a whole, will have a neutral impact on the conservation area. Place Services also object to the expanse of glass to be used on the rear single storey extension and balustrading of the terrace however these are not elements under consideration as part of this planning application and were approved under 18/01526/FUL.

As a result of the proposal, the existing pine tree will need to be removed, however a scheme of replanting including a hedge alongside and to the south of the two storey extension and three conifers on the south eastern corner of the application site will assist in assimilating the proposal into its surroundings. The Council's Tree and Landscape Officer has been consulted and confirms that the proposed tree planting shown on Drawing No. CFA-01 Revision C is acceptable and, in time, will adequately mitigate for the loss of the pine.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

Residential Amenity

The adopted Tendring District Local Plan (2007) "saved" Policy QL11 seeks to ensure that all new developments will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Draft Policy SPL3 of the Tendring District Local Plan 2013 - 2013 and Beyond Publication Draft (June 2017) echoes these sentiments.

Due to the position of the proposed two storey extension on the southern side of the existing dwelling where a distance of 23.8 metres will exist between the proposal and the rear western boundary shared with the nearest neighbour of Stocksfield there will be no significant impact in terms of loss of light, loss of privacy or outlook to any neighbour.

The two storey side extension utilises space that is currently an open area of side garden but is not part of the rear private amenity space therefore the private amenity space remains unaffected.

The new garage space does not meet the car parking standard where a single garage measures 7 metres x 3 metres. There is however ample off road car parking in front of the dwelling that will allow for three cars to park in space that meets the car parking standards where one parking space measures 2.9 metres x 5.5 metres space.

Other Considerations

Frinton and Walton Town Council recommend approval of the application.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the 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: Drawing No. CFA-01 Revision C.

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

- 3 The soft landscaping scheme as approved and shown on Drawing No. CFA-01 Revision C, shall be carried out in the first planting season following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale which will enhance the character and appearance of the site and the area.

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.

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