

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	05/10/2021
Planning Development Manager authorisation:	TF	06/10/2021
Admin checks / despatch completed	ER	06/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.10.2021

Application: 21/00700/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Saeed - SS Investments Holding Ltd

Address: 20 Upper Third Avenue Frinton On Sea Essex

Development: Two storey rear extension, re building and move existing garage.

1. Town / Parish Council

Frinton and Walton Town Council
09.08.2021

Recommends: APPROVAL

2. Consultation Responses

ECC Heritage

The application is for two storey rear extension, re-building and move existing garage.

The building is located within the Frinton Conservation Area. The existing building is a positive contributor to the Conservation Area. It is part of the historic building stock here and an example which has been subject to no fundamental alteration.

ECC Heritage have no objection to the revised application. Should this application be approved, it is recommended that conditions are attached pertaining to:

- Details of all windows, doors and external fixtures;
- Details of landscaping; and
- Samples/details of all new external materials.

3. Planning History

20/01308/TCA 1 Cupressus Macrocarpa - Fell. Approved 02.11.2020

20/01411/TCA 1 Golden Macrocarpa - Fell. Approved 04.11.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

EN17 Conservation Areas

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

Relevant Adopted Policies

SP7 Place Shaping Principles

Relevant Emerging Policies

LP4 Housing Layout

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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then 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 (including Site Description and Proposal)

Site Description

The application site is 20 Upper Third Avenue, a two storey detached dwelling located within the settlement boundary and within the Conservation Area.

Proposal

This application seeks planning permission for a two storey rear extension, re-building and move existing garage.

This application was originally assessing the erection of a single storey extension with a conversion of a dwelling to form 2 self-contained flats. However, the application was amended to assess a two storey rear extension, single storey extension and re-building and moving the existing garage.

Assessment

The main considerations for this application are the design and appearance including heritage impact as well as the impact upon neighbouring amenities

Design and Appearance (including heritage impact)

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place - avoiding the use of ubiquitous standard house types. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

There are no changes proposed to the front elevation. To the southern side elevation there is a ground floor window proposed to serve the kitchen and two first floor windows proposed to serve an en-suite and bedroom, however as annotated these two windows will be obscure glazed to reduce any impact upon neighbouring amenities and a condition will be imposed. The existing garage is to be re-built and moved further back away from the highway which will allow for the introduction of the windows to the first and ground floor along the side elevation. Although this will be visible to the street scene it is not considered to cause any impact in terms of visual amenity.

To the rear of the property is a ground floor rear extension which will run along the width of the dwelling with a roof light and this will accommodate a lounge and dining room. A first floor gable projection is proposed which will serve a bedroom. The extension is set lower than the host dwelling to be seen as an extension and incorporates windows to match the proposed windows serving the main dwelling. The proposal is considered acceptable in terms of visual amenity.

As the application site is located within the Conservation Area, ECC Heritage were consulted on this application and have stated that the building is located within the Frinton Conservation Area. The existing building is a positive contributor to the Conservation Area. It is part of the historic building stock here and an example which has been subject to no fundamental alteration. The officer has no objection to the revised application subject to conditions relating to the details of all windows, doors and external fixtures, details of landscaping and details of new external materials. The landscaping condition will not be imposed as the main works are to the rear of the dwelling.

Impact upon neighbouring amenities

The proposed first floor southern side elevation windows are obscure glazed as annotated on the plans provided; a condition will also be imposed to ensure that the windows are retained as such to reduce any impact upon the neighbouring property to the south.

The repositioning of the existing garage is not considered to cause any impact upon neighbouring amenities.

The single storey rear extension will be visible to both the neighbouring dwellings to the north and south, however due to its flat roof single storey nature, it is not considered to cause any impact upon neighbouring amenities.

The first floor gable extension will be visible to both neighbours however due to the distance to the neighbouring property to the north it is not considered to cause any impact. The gable extension will be visible to the neighbouring dwelling to the south however due to the distance to the boundary as well as the dual pitched roof which will slope away from neighbouring amenities, it is not considered to cause any loss of light or impact to the neighbouring dwelling.

Other Considerations

Frinton and Walton Parish Council recommends this application for approval.

One letter of objection has been received raising the following concerns:

- Concerns that the application site is located within the Conservation Area and that the period of house will be altered beyond the original design.

As part of the application process, ECC Heritage were consulted on this application as the application site is located within a Conservation Area. Their comments have been addressed within the report.

- Concerns that the original plan was to turn the building into a housing of multiple occupation and the amended plan is exactly the same. Concerns are also raised that the conversion to an HMO will set a precedent.

The proposed plan is to extend the existing dwelling only and is not to convert the house into flats.

- Concerns that the house is collapsing due to subsidence

The above concern is not a material planning consideration, this aspect will be assessed when the applicants have applied to building control.

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 plans:

- Drawing No. P01c

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 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the Bedroom and the En-suite to the first floor on the southern side elevation shown on Drawing No. P01c shall be non opening and glazed in obscure glass prior to first occupation and shall thereafter be permanently retained in this approved form.

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

- 4 Before any work is commenced drawings to a scale of not less than 1:20 fully detailing the new windows and doors and their surrounds to be used and indicating: materials; cross sections for glazing bars, cills, heads etc at a scale of 1:20; and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a building in the Conservation area and therefore such details are necessary in order to preserve and enhance the historic character.

- 5 No development shall be commenced until a schedule of external finish materials shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and permanently maintained as such.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

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.

<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>