

## DELEGATED DECISION OFFICER REPORT

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**Application:** 21/01834/FULHH **Town / Parish:** Harwich Town Council

**Applicant:** M Piggott

**Address:** 11 Fronks Road Dovercourt Harwich

**Development:** Proposed dormer extension.

### 1. Town / Parish Council

Harwich Town Council  
07.12.2021

Harwich Town Council has no objection to this application.

### 2. Consultation Responses

### 3. Planning History

21/01834/FULHH Proposed dormer 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Adopted Tendring District Local Plan 2007 (part superseded)  
QL11 Environmental Impacts and Compatibility of Uses (part superseded)

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

Relevant Section 1 Policies (adopted)  
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)  
SPL3 Sustainable Design

### 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 26<sup>th</sup> 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. On 24<sup>th</sup> November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11<sup>th</sup> January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25<sup>th</sup> January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of a terraced dwelling known as 11 Fronks Road. The house and its adjoining neighbours are rendered in finish many of which have velux windows within their roof slopes. The adjoining neighbour of 9 Fronks Road has an existing pitched roof dormer to the rear. There is a significant drop of ground levels due to the sites sea front location meaning that the rear elevations of these houses are visible from Lower Marin Parade.

### Proposal

This application seeks planning permission for a dormer window enlargement to the existing house.

### Assessment

#### Design and Appearance

The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Saved Policy QL11 of the Tendring District Local Plan (2007) and emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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.

Emerging Policy SPL3 states that development must relate well to its site and surroundings particularly in relation to its siting, height, scale and massing. Furthermore the development must respect or enhance existing street patterns.

The proposed dormer extension will be located to the rear of the house and therefore not publicly visible from Fronks Road.

The rears of this row of terraced houses are publicly visible from Lower Marine Parade. The difference in ground levels between these two roads together with their heights allow the rears of this row of terraced dwellings to appear prominent features within the streetscene when viewing them from Lower Marine Parade. Due to prominent views of the rears of these dwellings any alteration here would be a noticeable change.

The adjoining neighbouring dwelling has already previously extended within the loft by using a pitched roof dormer window enlargement whilst the remaining houses within this row of terraced dwellings benefit from velux windows within their roof planes. This neighbouring dormer window is of a pitched roof design and again is noticeable when viewing the properties from Lower Marine Parade. There is also a small flat roofed former present in the end terraced dwelling west of the site. Given their house types and close relationship with their adjoin neighbours it is considered any enlargements within the roof would need to be similar in terms design.

This proposal incorporates a flat roof design which would be appear inconsistently with this neighbouring dormer window and given its close relationship with this neighbour would appear incongruous in comparison. As the rear elevations of these properties appear as significant and prominent structures when viewing them from Lower Marine Parade the use of such a design would be a considerably noticeable and harmful change to this section of the streetscene thereby resulting in a detrimental impact to its overall character and appearance.

The proposed flat roof dormer will be positioned within the roof slope and will therefore intercept the eaves of the existing house. This approach will result in addition which is modern in design and therefore uncharacteristic compare to the existing dwelling. It is noted that other development within the area does include a fairly modern take on design examples of which include the dormer window to 9 Fronks Road and the neighbouring property to the south east. However due to the existing character of the existing house an addition of this design would not form a positive relationship with the existing dwelling in this instance.

The materials proposed comprise of cladding which would not be consistent with the existing house and would add to the noticeable and incongruous change to the appearance of the house.

Due to the significant impact which the proposal would have on the character and appearance of the streetscene the current design is considered to result in a significantly harmful impact in terms of visual amenity.

The LPA have requested amendments to the scheme to allow it to be compliant with the saved and national policies however it has not been possible to come to a resolution in this instance.

#### Impact on Neighbours

The new openings will face directly in the gardens of the adjoining neighbours and properties within Lower Marine Parade which are already heavily overlooked by the host dwelling and neighbouring sites, thereby already experiencing very little to no privacy. Whilst the proposal will achieve direct views of these neighbours gardens due to the level of overlooking already experienced by neighbouring dwellings this would not be so significant to refuse planning permission upon in this case.

Furthermore as a result of its nature and siting the proposed dormer window would not result in a loss of light or outlook to neighbouring dwellings.

#### Other Considerations

Harwich Town Council has no objection to this application.  
There have been no letters of representation received.

#### Conclusion

The proposed dormer extension is therefore considered to be contrary to the above mentioned policies as it does not reflect the character of the locality and causes significant harm to the appearance of the streetscene within Lower Marine Parade. The proposal is deemed to have a

significant adverse effect on visual amenity and the character of the surrounding area contrary to the above policies and NPPF.

## **6. Recommendation**

Refusal - Full

## **7. Reasons for Refusal**

- 1 The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Saved Policy QL11 of the Tendring District Local Plan (2007) and emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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.

Emerging Policy SPL3 states that development must relate well to its site and surroundings particularly in relation to its siting, height, scale and massing. Furthermore the development must respect or enhance existing street patterns.

The site forms a row of terraced dwellings which are located at the edge of built form along Fronks Road with a small area of open space nearby. There is a significant drop in terms of ground levels between the host site and the neighbouring properties to the rear, which provides clear and prominent views of the host dwelling and its adjoining neighbours from Lower Marine Parade. The existing alterations to this existing row of terraced dwellings comprise mainly of rooflights within, one pitched roof dormer and one small flat roof dormer window. The Introduction of a large flat roof dormer window of a modern design is considered to be of an incongruous feature which would be out of character with the host dwelling and neighbouring properties within the terrace.

The proposed dormer extension is therefore considered to be contrary to the above mentioned policies as it does not reflect the character of the locality and causes significant harm to the appearance of the streetscene within Lower Marine Parade. The proposal is deemed to have a significant adverse effect on visual amenity and the character of the surrounding area contrary to the above policies and NPPF.

## **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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.