

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	06.01.2022
Planning Development Manager authorisation:	TF	06.01.2022
Admin checks / despatch completed	DB	06.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.01.2022

Application: 21/01920/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Hockridge

Address: Pightle Cottage 64 Third Avenue Frinton On Sea

Development: Proposed single storey rear extension and insertion of rooflights and doors.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
13.12.2021

Recommends - Approval

2. Consultation Responses

Essex County Council
Heritage
16.12.2021

The application is for proposed single storey rear extension and insertion of rooflights and doors.

The application is located in the Conservation Area. There is an issue with the line weights on the drawing which makes review problematic.

ECC Heritage cannot support this application in its current iteration.

The rear extension is likely to be acceptable although ECC Heritage recommend removing the rooflights if they can be viewed from the adjacent footpath through the Conservation Area.

ECC Heritage will not support the replacement of the garage door in this proposal. This will present an incongruous feature in the Conservation Area to an ancillary street fronting structure, this will not be supported in principle.

This proposal fails to preserve or enhance the character and appearance of the Conservation Area, this harm to the designated heritage asset should be considered under paragraph 202 of the NPPF. Furthermore, and specifically with regard to the garage door, this item is not considered compliant with paragraphs 206 and 197 (c) of the NPPF.

If this application is not revised ECC Heritage recommend refusal.

3. Planning History

00/00166/TPO	T.1 - Horse Chestnut - crown reduction of overgrown tree(TPO 98/24)	Approved	01.03.2000
TPC/6/83	Works to trees	Current	10.11.1983
TPC/3/86	Works to trees	Current	
TPC/23/89	Works to trees	Current	
TPC/94/71	Works to trees	Current	15.12.1994
TPC/96/76	Works to trees	Current	18.12.1996
TPC/98/39	Removal of hedge - not CA	Current	28.04.1998
TPC/98/108	Fell Horse Chestnut - refused - TPO 98/24	Current	21.09.1998
01/00004/FUL	Single storey extension to form ground floor bedroom	Approved	09.03.2001
96/01535/FUL	Rear extension	Approved	21.01.1997
02/01845/FUL	Increase height of front boundary wall	Approved	14.11.2002
05/00952/TCA	Reduce, shape and balance Thorn tree by 35%	Approved	06.07.2005
05/01527/TPO	Fell Horsechestnut	Approved	30.09.2005
16/01907/TCA	1 No. Mimosa - reduce by 35%. 1 No. Hawthorn - 30% reduction. 1 No. Yew - 3ft off all round. 1 No. Box - 4ft off height of tree.	Approved	20.12.2016
21/00536/TCA	1 No. Mimosa - crown lift and 25% reduction, 1 No. Yew Tree - remove.	Approved	24.05.2021
21/01432/TCA	1 No. Hawthorn - remove, 1 No. evergreen Tree - reduce by 25%, 1 No. Fruit Tree - reduce by 25% (all at bottom of rear garden).	Approved	08.09.2021
21/01920/FULHH	Proposed single storey rear extension and insertion of rooflights and doors.	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

FW5 'The Avenues' Area of Special Character

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

PPL11 The Avenues Area of Special Character, Frinton-On-Sea

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. On 24th 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 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th 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)

Proposal

This application seeks permission for the erection of a proposed single storey rear extension and insertion of rooflights and doors.

The proposed extension is considered to be of a minor nature measuring 3.7 metres wide by 3 metres deep with a maximum height of 3.7 metres. The extension will be finished in painted render over a brick plinth with a pitched tiled roof to match the appearance of the existing dwelling. The extension includes the installation of three rooflights.

Application Site

The site is located to the east of Third Avenue, within the development boundary of Frinton on Sea. The site is also located in the Frinton and Walton Conservation Area. The Avenues area is deemed to be an Area of Special Character within Frinton on Sea. The site serves a detached two-storey dwelling finished in painted render above a brickwork plinth with a pitched tiled roof design. The dwelling is set back from the highway and has a detached single garage located towards the front of the site. The surrounding area comprises dwellings of differing architectural design.

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 Policy QL11 and emerging Policy SP1 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.

The proposed extension is considered to be of an acceptable size and scale in relation to the host dwelling with the application site able to accommodate a proposal of this size whilst retaining adequate private amenity space. The extension is also considered to be of an acceptable design and appearance with the use of matching materials causing the proposal to blend with the host dwelling.

The proposed extension is therefore not considered to have any significant adverse effects on the visual amenities of the area.

Policy FW5 of the Adopted Tendring District Local Plan 2007 (Part Superseded) seeks to ensure that new development within "The Avenues" are of Frinton shall have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. Proposed development which would result in a reduction in the spacious character of the area will be refused planning permission. These sentiments are carried forward in Policy PPL11 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021). The proposed extension is considered to be of scale and design in keeping with the existing dwelling and surrounding area and is therefore compliant with the aforementioned policies.

Impact on Conservation Area

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a Conservation Area preserve and enhance 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.

As the application site is located within the Frinton and Walton Conservation Area, ECC Heritage have been consulted on the application and have submitted the following comments;

“The application is for proposed single storey rear extension and insertion of rooflights and doors.

The application is located in the Conservation Area. There is an issue with the line weights on the drawing which makes review problematic.

ECC Heritage cannot support this application in its current iteration.

The rear extension is likely to be acceptable although ECC Heritage recommend removing the rooflights if they can be viewed from the adjacent footpath through the Conservation Area.

ECC Heritage will not support the replacement of the garage door in this proposal. This will present an incongruous feature in the Conservation Area to an ancillary street fronting structure, this will not be supported in principle.

This proposal fails to preserve or enhance the character and appearance of the Conservation Area, this harm to the designated heritage asset should be considered under paragraph 202 of the NPPF. Furthermore, and specifically with regard to the garage door, this item is not considered compliant with paragraphs 206 and 197 (c) of the NPPF.

If this application is not revised ECC Heritage recommend refusal.”

The design and appearance of the proposed extension has been assessed above and has been deemed to blend with the existing dwelling. Whilst there is a public footpath adjacent to the site the proposal is of a single storey nature and will be largely shielded to this footpath by the existing fencing along the site boundary. Furthermore, rooflights can be seen within the streetscene of Third Avenue, such as on No. 79, the proposed rooflights can therefore not be said to be out of character with the surrounding area. The proposed extension is therefore not considered to have any harmful effect on the amenities of the Conservation Area so significant as to justify refusing planning permission.

The replacement of the garage door does not require an express grant of planning permission and therefore has not been assessed within this report and cannot be said to provide a reason for refusal on the application.

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

The proposed extension is of a single storey nature and therefore poses no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwelling.

The proposed extension is also located away from any shared neighbouring boundary lines with the adjacent public footpath separating the host site from the neighbouring site located to the north, closest to the proposed extension. The proposed extension therefore does not have any significant impact in terms of loss of light to the adjacent neighbouring dwellings.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

Other Considerations

Frinton and Walton Town Council support this application.

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 plan; Drawing No. 02

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.

<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>
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**Are there any third parties to be informed of the decision?
If so, please specify:**

YES

NO