

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	26.04.2022
Planning Development Manager authorisation:	AN	27/04/2022
Admin checks / despatch completed	DB	28.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	28.04.2022

**Application:** 22/00350/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Mark Holden

**Address:** 7 Willow Cottage Rex Mews Fourth Avenue

**Development:** Proposed installation of a glass veranda over the kitchen bi-fold doors in the rear enclosed garden (south elevation) including a retractable awning suspended underneath the veranda. Proposal includes a garden shed with pent roof to be installed in the garden in the south east corner.

### **1. Town / Parish Council**

Mr FRINTON & WALTON  
TOWN COUNCIL  
31.03.2022

Recommend approval

### **2. Consultation Responses**

Tree & Landscape Officer  
31.03.2022

The installation of the glass veranda and supporting columns will result in only a minor incursion into the Root Protection Area (RPA) of the mature Sycamore situated within the curtilage of the property that is protected by a tree preservation order. Consequently the proposal will not cause harm to the health or vitality of the tree.

Additionally the minimal nature of the excavation works likely to be required to create a base for the proposed shed in the south eastern corner of the garden are such that they will not cause harm the health of the tree.

There is little benefit to the wider appearance of the public realm to be gained by any soft landscaping associated with the development proposal.

Essex County Council  
Heritage  
07.04.2022

The application is for proposed installation of a glass veranda over the kitchen bi-fold doors in the rear enclosed garden (south elevation) including a retractable awning suspended underneath the veranda. Proposal includes a garden shed with pent roof to be installed in the garden in the south east corner.

The proposed site is within the Frinton and Walton Conservation Area and in close proximity to Grade II\* listed Church of St Mary.

There is no objection to this application.

### **3. Planning History**

99/01902/TCA	Cut back by 30% the Poplar trees which overhang Garden Court	Approved	25.01.2000
06/00587/FUL	Conversion of no. 7 Holland Road to 4 no. apartments and provision of 12 no. additional apartments and 10 no. cottages for retirees, as amended by drawing numbers 6773/00 Revision F, 6773/01 Revision F, 6773/07 Revision C and 6773/08 Revision C, all received by the Local Planning Authority on 1st June 2006.	Refused	20.07.2006
08/00345/TCA	2 No. Trees - adjacent to fence with Little Corner - fell	Approved	25.03.2008
08/00346/TPO	T1 and T2 - Bay - crown lift to 4 metres	Approved	25.03.2008
08/01518/FUL	Conversion of no. 7 Holland Road into 2 no. cottages and the erection of 8 no. two-storey cottages with associated car parking and landscaping for retirement sheltered housing.	Refused	26.02.2009
11/01139/FUL	Erection of 5 no. one-and-a-half storey dwellings with associated vehicular access, car parking, garages and bin store.	Approved	29.06.2012
12/00904/FUL	Conversion of no. 7 Holland Road from one residential dwelling into two semi-detached residential dwellings.	Approved	20.03.2013
12/01140/FUL	Conversion of 7 Holland Road into 2 no cottages and the erection of 8 no two storey cottages with associated car parking and landscaping. (Extension of time to previously approved application no 08/01518/FUL).	Approved	17.01.2013
13/00231/DISCON	Discharge of condition 2, 3, 5 and 9 of planning permission 11/01139/FUL - Details of materials, hard and soft landscaping, walls and fencing and the closure of Holland Road Vehicular access.	Refused	18.07.2013
13/00280/FUL	Variation of condition 11 of planning permission 11/01139/FUL to allow vehicular access to be secured via security gate.	Withdrawn	13.05.2013

14/00046/FUL	Erection of 5 no. one-and-a half storey dwellings with associated vehicular access, car parking, garages, bin store and landscaping.	Approved	17.03.2014
14/01333/DISCON	Discharge of conditions 03 (materials), 06 (construction method statement), 07 (bike storage), 08 (screen walls and fences), 14 (ecological) and 18 (contamination) of planning approval 14/00046/FUL.	Approved	13.11.2014
15/00208/FUL	Alterations to garage block approved under 14/00046/FUL and erection of 1 no. detached dwelling.	Approved	05.06.2015
15/00960/DISCON	Discharge of condition 03 (Materials), 04 (landscaping) and 07 (Construction Method Statement) of planning permission 15/00208/FUL.	Approved	06.08.2015
16/01105/FUL	Proposed conversion of existing property "Willow Cottage" to 2 no. 2 bed dwellings.	Approved	22.09.2016
17/01151/DISCON	Discharge of condition 12 (lighting scheme) of planning permission 14/00046/FUL,	Approved	18.08.2017
22/00350/FULHH	Proposed installation of a glass veranda over the kitchen bi-fold doors in the rear enclosed garden (south elevation) including a retractable awning suspended underneath the veranda. Proposal includes a garden shed with pent roof to be installed in the garden in the south east corner.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

Local Planning Guidance

Essex Design Guide

### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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

### **Proposal**

This application seeks permission for the installation of a glass veranda over the kitchen bi-fold doors in the rear enclosed garden (south elevation) including a retractable awning suspended underneath the veranda. Also the erection of a garden shed with pent roof to be installed in the garden in the south east corner.

### **Application Site**

The application site is accessed via the east of 'Fourth Avenue', it is set back from the main highway and not visible from the streetscene due to the fact the site is surrounded by built form and is shielded from the main highway by the adjacent neighbouring dwellings. The application site is located within the settlement development boundary of Frinton, Walton and Kirby Cross, as defined by the Tendring District Local Plan 2013-2033 and Beyond. The site also falls within the Frinton and Walton Conservation Area.

The application site serves a 1.5 storey semi-detached dwelling finished in an off-white painted render with a pitched red tiled roof. The garden to this property is located to the front of the site towards the west of the dwelling.

### **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. Policies SP1, SP7 and SPL 3 of the Tendring District Local Plan 2013-2033 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 veranda will be located to the west of the host dwelling, it will be set back from the streetscene of 'Rex Mews' and will be largely shielded by the existing fencing along the site boundary. The veranda will have a maximum height of 3.4 metres by 3.1 metres deep and 4.1 metres wide. The veranda will have three white powder coated metal support beams with clear glazing.

The proposed shed will be located to the rear of the garden towards the east, abutting the site boundary. The shed will measure 2.2 metres high by 2.5 metres wide and 1.8 metres deep. The

shed will have a pent roof finished in grey EPDM membrane and the walls will be painted in a rosemary grey/green. The shed will also be largely shielded from the streetscene of 'Rex Mews' by the existing fencing along the site boundary.

The application site can accommodate for the proposed veranda and garden shed whilst retaining adequate private amenity space. The proposed development is considered to be of an appropriate size and scale in relation to the host dwelling. The proposed veranda and shed are considered to be of an acceptable design and appearance with no significant adverse effects on the visual amenities of the area.

### Impact on Conservation Area

Policy PPL8 of the Tendring District Local Plan 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.

Policy PPL9 of the Tendring District Local Plan requires new developments that affect a listed building or its setting will only be granted permission if they protect its special architectural or historic interests, its character, appearance and fabric. Proposals should demonstrate that they are justifiable through an informed assessment of the significance of the heritage asset, and are of a scale and design that respects the significance of the listed building and its setting.

Due to the location of the application site within a Conservation Area, and in proximity to Grade II\* listed Church of St Mary, Essex County Council's Heritage department have been consulted on the application and have submitted the following comments;

"The application is for proposed installation of a glass veranda over the kitchen bi-fold doors in the rear enclosed garden (south elevation) including a retractable awning suspended underneath the veranda. Proposal includes a garden shed with pent roof to be installed in the garden in the south east corner.

The proposed site is within the Frinton and Walton Conservation Area and in close proximity to Grade II\* listed Church of St Mary.

There is no objection to this application."

The proposed development is considered to be of an acceptable scale and appearance in relation to the application site and surrounding area. The proposal is not considered to have any significant adverse effects on the appearance of the conservation area. The proposal is also not visible to the Grade II\* listed Church of St Mary and does not have any significant adverse effect on the setting of this heritage asset.

### 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 SPL 3 of the Tendring District Local Plan 2013-2033 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed development has no impact on the loss of daylight, privacy nor harms the amenities of the adjacent neighbouring dwellings. The proposal is therefore considered acceptable in terms of residential amenities.

### 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 the application

Essex County Council's heritage department have no objection to the application.

The site accommodates a mature Sycamore that is protected by a tree preservation order. Therefore Tendring District Council's Tree and Landscape Officer has been consulted on the application and submitted the following comments;

"The installation of the glass veranda and supporting columns will result in only a minor incursion into the Root Protection Area (RPA) of the mature Sycamore situated within the curtilage of the property that is protected by a tree preservation order. Consequently the proposal will not cause harm to the health or vitality of the tree.

Additionally the minimal nature of the excavation works likely to be required to create a base for the proposed shed in the south eastern corner of the garden are such that they will not cause harm the health of the tree.

There is little benefit to the wider appearance of the public realm to be gained by any soft landscaping associated with the development proposal"

The proposal is therefore not considered to have any significant harmful effect on the Tree Preservation Order.

## 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;

Veranda Foundation Details - Scanned 24 Feb 2022  
Drawing No. 1001 - Proposed Block Plan  
Drawing No. PE02 - Proposed Elevations  
Drawing No. TP03 - Existing and Proposed Floor Plans

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.

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