

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	ER	01/12/2022
Planning Manager / Team Leader authorisation:	SCE	07.12.2022
Planning Technician final checks and despatch:	ER	07/12/2022

Application: 22/01371/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Austin

Address: 17 Third Avenue Frinton On Sea Essex

Development: Proposed single storey rear extension, including internal and external alterations.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
31.10.2022

Recommends Approval - Ensure extension has wood fenestration to remain in keeping with the house.

2. Consultation Responses

Essex County Council
Heritage
22.09.2022
Initial Plans

The application is for proposed single storey rear extension, including internal and external alterations.

The proposal site is an early 20th Century dwelling within the Frinton Conservation Area and the Character Area of The Avenues. The houses within this character area are detached, with varied massing and a wealth of attractive details in high quality building materials, set in spacious gardens with designed frontages. Buildings are predominantly two storeys, in red brick and/or lightly painted render with plain tile roofs. However, there is a range of planforms and massing, resulting in a varied roofscape. Each dwelling is adorned with a range of architectural features, such as turrets, balconies and porches, classical doorcases, mock Tudor exposed beams, chimney stacks, and gable ends.

Nos15 and 17 are very similar in design, scale and detail and were probably built as a group. Both the houses have lost some of their original details which are clearly visible in historic pictures, like the chimneys and original windows, and no17 was probably rendered and re-roofed at some point on the past. However, they still generally retain most of their original features and character and they positively contribute to the street scene and the Conservation Area.

External alterations

The reinstatement of clay tiles to the main roof (including dormers cheeks) and elevation to replace the existing concrete tiles, the re-rendering of the main elevation and the replacement of existing windows would contribute to preserve and enhance the character and appearance of the Conservation Area in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF and they are generally acceptable.

It is recommended that white lime render is used instead of the proposed sand and cement finish.

There is no information on the proposed materials for the new windows and doors to match the adjoining properties, however it is noted that the property is currently fitted with uPVC windows and these are also unfortunately in use within the Conservation Area. As explained in Historic England's guidance *Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures*: "Although PVCu replacement windows are popular, their visual character and operational differences make them unsuitable for older buildings, particularly those that are listed or in conservation areas. Because the components used to manufacture PVCu windows are weaker than their timber counterparts, they tend to be much thicker. This, along with different detailing and opening arrangements, can have a significant impact on the appearance and character of older buildings". I therefore advise that traditional timber sash windows are used in this context.

The proposed design for the replacement windows, matching no19, is acceptable. The design for the proposed door to the utility room (west elevation) should be revised to be more in keeping with the traditional design of the other openings.

UPVC fascia and rainwater goods are also not supported, and I advise these are replaced with black painted or powder-coated metal.

Works to improve the existing dormers roofs detail are also acceptable, however the proposed Juliet balconies would introduce an incongruous feature which will not be in keeping with the character and appearance of the Conservation Area (Paragraphs 197c and 206 of the NPPF are relevant here). Similarly, I do not have any objection to widening the existing first floor rear window to bedroom 3 but I do not support the introduction of the Juliet balcony.

Rear extension

The existing rear extensions, matching no19, are visible in 1933 aerial pictures and are likely to be part of the original building. Their demolition would involve the loss of some historic fabric and of the existing symmetry between the two properties. However, as the existing extensions are of less significance, their demolition is considered to have a very limited impact on the character and appearance of the Conservation Area, and it is therefore acceptable.

The proposed design for the new extension, however, is not considered subservient in scale and design to the host building. While the footprint of the existing extension and the height of the existing lean-to at the abutment are mostly retained, the mass of the proposed extension results considerably larger due to the use of a flat roof with parapet. Also, the height of the garage to the front of the property has been raised to match the new extension for apparently no reason and with a considerable impact on the character and appearance of the Conservation Area. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

Although the proposed rear extension would not be visible from Third Avenue, lack of visibility does not automatically equate to lack of harm as the extension would be visible from the gardens of neighbouring properties which also sit within the Conservation Area. As such, in its current iteration, the proposed extension would fail to preserve the overall character and appearance of the Conservation Area.

I believe there is the potential here for a more sympathetic extension within the footprint of this proposal but using a more lightweight design. A lean-to or a flat roof could both be acceptable subject to the proposed design. However, in its current form the proposal do not preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and cannot be supported.

Essex County Council
Heritage 01.12.2022
Following Amended Plans

The application is for proposed single storey rear extension, including internal and external alterations. This follows my previous letters dated 22nd September 2022 and 31st October 2022 and submission of revised scheme by the applicant. The rear extension has now been reduced in height and Juliet balconies removed as previously advised. There are concerns about the first floor balcony which has been retained in this revised scheme, however this item would not be visible from the Conservation Area and from the adjoining properties, therefore there would not affect the character and appearance of the Conservation Area. There is no objection to the current application, subject to the following conditions: • Prior to installation, a schedule of drawings that show details of all proposed windows and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such; • Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

Tree & Landscape Officer
16.11.2022

No further comments.

Tree & Landscape Officer
16.09.2022

There are no important trees or other vegetation on the application site that will be adversely affected by the development proposal.

3. Planning History

21/00819/TCA	1 No. Cupressus Macrocarpa - fell.	Approved	15.06.2021
22/01371/FULHH	Proposed single storey rear extension, including internal and external alterations.	Current	
22/01567/TCA	Clearance of front garden and driveway, 4 conifers blocking light at front of property. Other shrubs also to be removed along neighbouring fenceline.	Approved	03.11.2022

4. Relevant Policies / Government Guidance

National:
National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:
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
CP2 Improving the Transport Network

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice
Frinton and Walton Conservation Area Character Appraisal (March 2006)

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)

Application site

The application site comprises of a detached dwelling located within the development boundary and conservation area of Frinton. The dwelling benefits from existing alterations and enlargements including an existing rear conservatory. Sited to the rear is a garden area with fencing and planting in situ along the shared boundaries.

Proposal

Proposed single storey rear extension, including internal and external alterations. These alterations include a replacement roof for the garage along with Juliet balcony to the rear and enlargement of existing openings.

The scheme has been significantly reduced to address initial concerns raised by the Officer. These alterations have been provided by way of amended plans which have been issued for further consultation with neighbours/ parish and consultees.

Assessment

Design and Appearance

The proposal will be located to the side and rear of the house with much of the existing dwelling and neighbouring houses offering some screening of the different elements. The proposed alterations are of a suitable design and scale which respect the appearance of the host dwelling with them being set back from the front boundary to reduce their prominence. Due to minor views of the proposal and their in keeping design the alterations are considered to appear appropriately to the existing dwelling and would therefore not diminish the character and appearance of the street scene.

The alterations will be constructed and finished in materials which are similar to those already on the host dwelling.

The site is of suitable size to accommodate the proposal and still retain a usable area of private amenity space.

Heritage Impact

The site is located within the Conservation Area however has not been awarded special mention within the Conservation Area Appraisal. The Local Planning Authority has a statutory duty to ensure the character and appearance of such is either preserved or enhanced by new development.

The proposed alterations and enlargements are of a suitable size and design which respect the existing dwelling with much of them being to the rear attracting only minor views onto Third Avenue.

The ECC Heritage team have been consulted on the amended plans and have raised no objections to the proposal subject to more information on the openings which will be applied to the planning permission as conditions.

They have also requested a condition pertaining to the colour of rainwater goods should be applied to the permission however the plans show that these will be replaced with black like for like UPVC and as a result this condition is not considered relevant to the application.

The ECC Heritage team have stated that the Juliet balcony is not in complete accordance with the character of the host dwelling however this element will be to the rear and is considered not to result in a harmful impact to the appearance/ character of the area.

The alterations are therefore considered acceptable in this instance to allow the character and appearance of the Conservation Area to be preserved.

Impact to Neighbours

The proposed rear extension will be single storey in design and a suitable distance away from each of the shared boundaries allowing for much of this structure to be screened by existing fencing preventing a significant loss of amenities to neighbouring residents.

The alterations to the garage will be set off of the shared boundary and due to their nature and positioning would not result in a significant loss of amenities to neighbouring sites.

The new alterations to the openings and new Juliet balcony are of a siting and nature which would not result in a loss of outlook or light.

The alterations to the openings and new Juliet balcony will result in some additional overlooking to the neighbouring sites. However as the dwellings and its neighbours are already two storey, a level of overlooking currently exists. It is therefore considered that the proposal does not significantly increase the level of overlooking to warrant refusal of the applications.

In order to safeguard the privacy of the neighbour to the south the window located within the side dormer serving the master bedroom shall be conditioned on the planning permission to be obscure glazed.

Highway Safety

The Essex County Council Parking Standards requests that where a dwelling comprises of two or more bedrooms that 2no off street parking spaces should be retained which measure 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 7m by 3m. The proposal will result in alterations to the existing garage.

Despite the existing garage not measuring to the above size the area to the front of the house is sufficient in size for the parking of two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

Other Considerations

Frinton and Walton Town Council initially raised objections to the proposal however since the submission of amended plans now recommend approval to ensure extension has wood fenestration to remain in keeping with the house.

Officer Response - The amended plans show UPVC already fitted on the existing house the proposal continues the use of such on the new openings. Whilst this will differ from others within the area and the usual approach taken for conservation areas as the house already has UPVC it is considered that the impact resulting from the use of this would not be so significantly harmful to refuse permission upon. This has further been supported by ECC Heritage. Further details of

windows will be requested by way of planning consideration and submitted for approval by ECC Heritage to ensure it is appropriate for the Conservation Area.

Two letters of objection have been received in relation to the proposal expressing the below concerns

- Loss of privacy

Officer Response - The proposal will result in overlooking to the neighbouring properties however given that the house and its neighbours already look into one another's gardens this loss is considered not so significant to refuse permission upon. Within their comments there is concerns that the flat roof of the extension could be used as a terrace. This is not shown on the plans and due to a condition imposed upon the permission the new alterations will need to be completed with the plans provided. Any deviation will require a separate planning application to be submitted and considered.

- Alterations to garage and concerns over party wall.

Officer Response - This is something which is a dealt with as a civil matter and not a material planning consideration. The author is advised to contact a legal professional/citizens advice to discuss this further.

- Proposed enlargement not in keeping with conservation area.

Officer Response - The proposal has been significantly reduced and re design with a full assessment of its impact on the conservation area detailed above. The amendments are considered appropriate to the existing visual and heritage impact of the area.

The Councils Tree and Landscape Officer has been consulted as part of the proposal and has confirmed that no important trees or other vegetation on the application site that will be adversely affected by the development proposal.

Conclusion

In the absence of material harm resulting from the proposed 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 drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

HPA.014 B - Amended Proposed Rear and Side Elevation
HPA.013 B - Amended Proposed Front and Side Elevation
HPA.012 B – Amended Proposed Roof Construction
HPA.011B - Amended Proposed Second Floor Plan
HPA.010 A - Amended Proposed First Floor Plan
HPA.009 A - Amended Proposed Ground Floor Plan
HPA.002 A - Amended Proposed Site and Block Plan

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

- 3 Prior to installation, a schedule of drawings that show details of all proposed windows and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - To protect the character and appearance of the conservation area.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window within the dormer to the second floor side elevation serving the master bedroom shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

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

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.