

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	24/03/2023
Planning Manager / Team Leader authorisation:	ML	29/03/2023
Planning Technician final checks and despatch:	ER	30/03/2023

Application: 23/00231/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Elliot Ball

Address: 6 Central Avenue Frinton On Sea Essex

Development: Proposed ground floor rear glass link/conservatory, small first floor rear extension and balcony.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL

Recommends - Approval

2. Consultation Responses

Essex County Council
Heritage
22.03.2023

RE: 6 Central Avenue Frinton On Sea Essex CO13 9NW

The application is for proposed ground floor rear glass link/conservatory, small first floor rear extension and balcony.

The proposal site is within the Frinton and Walton Conservation Area.

The proposed extension would have limited visibility from the public way and from the adjoining properties along Central Avenue and Warley Way and is therefore considered to have a neutral impact on the character and appearance of the Conservation Area.

However, the proposed design, which includes a 1700mm obscured glass balustrade, is not considered in keeping with the local character (Paragraph 197c of the NPPF is relevant here).

Should the glass balustrade be revised to be a standard 1100mm (or any size required in order to comply with building regulations), then there would be no objection to this application, subject to the following conditions:

- o Prior to commencement of above ground works/installation, a schedule of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

- o Prior to commencement of above ground works/installation, eaves detail of the proposed roof extension shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

- o 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.

o Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

3. Planning History

15/00270/FUL	Rear extension and rebuild of detached garage.	Approved	22.04.2015
22/01521/FULHH	Proposed single storey rear extension.	Approved	31.10.2022
23/00231/FULHH	Proposed ground floor rear glass link/conservatory, small first floor rear extension and balcony.	Current	

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

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 planning permission for erection of a ground floor rear glass link/conservatory, small first floor rear extension and balcony.

Assessment

Design and Appearance

The proposal will be sited largely to the rear and predominantly screened by the host dwelling. In the event that views are achieved from Central Avenue these will be minimal due to the minor nature of the works and set back from the boundary preventing them from appearing prominently or harmfully within the streetscene.

The proposal is of a suitable design and scale in regards to the existing house and will be finished in materials which are appropriate to the main dwelling.

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

Heritage Impact

The proposal site is within the Frinton and Walton Conservation Area and the site has not been awarded special mention within the Conservation Area Management Plan.

The proposed extension would have limited visibility from the public way and from the adjoining properties along Central Avenue and Warley Way and is therefore considered to have a neutral impact on the character and appearance of the Conservation Area.

ECC Heritage have provided no objections however have provided concerns over the design, which includes a 1700mm obscured glass balustrade, as it is not considered in keeping with the local character.

Whilst there will be some limited views of this element from Central Avenue these will be very minimal due to the extensive set back of this element. The balustrading is also an imperative part of the scheme as it will significantly reduce the loss of privacy and perception of overlooking to the neighbouring properties. Given the importance of such a feature, which will safeguard neighbours' privacy, and the limited visual impact its design is not considered to result in such a detrimental impact to the character/ appearance of the conservation area that would require the need to refuse permission upon in this regard.

The ECC Heritage team have also recommended conditions pertaining to materials and further details of openings which will be applied.

Impact to Neighbours

The proposed glazed link will be set off the shared boundaries and predominantly screened by elements of the existing house and proposed garage preventing a significant loss of amenities to neighbouring sites.

The proposed balcony due to its positioning and nature will not result in a loss of light or outlook to neighbouring dwellings.

The existing house already benefits from openings along its rear elevation which overlook into neighbouring gardens. This is also reflected in other nearby houses meaning that gardens here are overlooked and do not benefit from total privacy. The proposed balcony will impact on this further allowing users to achieve views into nearby gardens. The plans provided show 1.7m obscure glazed panels which will be erected along each side of the balcony which will allow for views to be achieved of the rear gardens of the neighbouring sites and not to the areas immediately outside their rear doors, which have higher amenity value. The introduction of these elements is considered to significantly reduce this impact on the neighbours and as these areas of garden are already overlooked the loss of privacy in this regard is considered not to be so significant as to refuse permission upon. A condition will be imposed upon the permission to ensure these screening panels are retained in perpetuity.

The proposal will be visible to the neighbours to the rear achieving views into their gardens, albeit limited views due to the presence of vegetation on the rear boundary. As the proposal will be sited a suitable distance away from this boundary and as these gardens are already overlooked any impact in terms of loss of amenities to these neighbours are considered not so significant to refuse permission upon in this instance.

Other Considerations

Frinton and Walton Town Council recommend approval for the application
There have been no letters of representation received.

Conclusion

The proposal has been assessed against National and Local Policy and has been found compliant with such. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval – Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

306-P41 B
306-P42 B
306-P43 A
306-P44 A
306-P45 B
306-P02
306-P01

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved,

unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 ACTION REQUIRED - HERITAGE

Prior to commencement of above ground works/installation, a schedule of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason - The site is located within a conservation area and therefore the above details are required to ensure that the proposal does not result in a harmful impact to its character or appearance.

4 ACTION REQUIRED - HERITAGE

Prior to commencement of above ground works/installation, eaves detail of the proposed roof extension shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason - The site is located within a conservation area and therefore the above details are required to ensure that the proposal does not result in a harmful impact to its character or appearance.

5 ACTION REQUIRED - HERITAGE

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 - The site is located within a conservation area and therefore the above details are required to ensure that the proposal does not result in a harmful impact to its character or appearance.

6 COMPLIANCE REQUIRED - HERITAGE

Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

Reason - The site is within a conservation area and therefore its character and appearance should be maintained.

7 COMPLIANCE REQUIRED - PRIVACY

The 1.7m obscure glass privacy screen shown on Drawing Numbers 306-P45 B and 306-P42 B shall be installed prior to first use of the hereby approved balcony area to which it relates and shall be retained as such thereafter.

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

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.