

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	17/05/23
Planning Manager / Team Leader authorisation:	SCE	17.05.2023
Planning Technician final checks and despatch:	CC	17.05.2023

**Application:** 23/00458/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Alex Skidmore

**Address:** 8 East Terrace Walton On The Naze Essex

**Development:** Proposed new rear extension. New roof lift to convert loft to habitable space. Installation of 4 No dormers and formation of external balcony.

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

Frinton and Walton Town Council Recommends – Approval.

### **2. Consultation Responses**

Essex County Council  
Heritage  
20.04.2023

The application is for proposed new rear extension, new roof lift to convert loft to habitable space and installation of 4 No dormers and formation of external balcony.

The proposal site is a 1970s bungalow and is adjoining Grade II Listed Prentice Court.

The proposed development is generally not considered to affect those elements of the setting that make a positive contribution to Prentice Court as designated heritage asset and would not detract from its significance and the way this significance is perceived, appreciated and understood. As the proposal will also match the adjoining properties along East Terrace, it would not result in incongruous within the street scene.

It is noted however, that the first floor front gable of the proposed development would project over the glazed balcony, lining up with the front elevation at ground floor. The new roof would therefore introduce a prominent feature within the street scene which would interfere with the views along East Terrace towards Grade II Listed Prentice Court. I advise the gable is set back to match the adjoining properties.

I generally do not support the use of uPVC windows and rainwater goods and composite cladding within historic context as these are not traditional materials which are not in keeping with the local character (Paragraph 197c of the NPPF is relevant here). However, it is noted that these are already in use in the existing property and would match the adjoining Spindrifft East Terrace.

Should the proposal be revised as advised above, there is therefore no objection to this application.

### 3. Planning History

08/00355/FUL	Alteration/increase to roof height (to facilitate loft conversion), insertion of front and rear dormer windows and erection of front balcony. Erection of single storey rear extension.	Approved	06.05.2008
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### 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)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

PP14 Priority Areas for Regeneration

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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**

### Site Description

The application site is Number 8 East Terrace, which is located on the north-western side of East Terrace within the parish of Walton-on-the-Naze. The property is currently a single storey dwelling, with a front gable, constructed of brick. To the north-east are a series of residential properties, typically detached and either single or 1.5 storey. Adjacent to the south-west is 1-6 Penrice Court and 2-7 East Terrace, which forms a Grade II Listed Building.

The site falls within the Settlement Development Boundary within the adopted Local Plan 2013-2033, and is also within an area prioritised for regeneration. Further, the site falls within Flood Zones 2 and 3.

### Description of Proposal

The application seeks planning permission to extend the property to create a first floor, which will include raising the height of the building, the installation of two front and two rear dormers, and the inclusion of a balcony to the front elevation. In addition, the proposal includes a single storey rear extension.

### Site History

While there is no recent planning history linked to the application site, it is acknowledged that under reference 08/00355/FUL in May 2008, a similar scheme was previously granted planning permission. This permission, however, was never implemented and has therefore lapsed.

### Assessment

#### 1. Visual Impacts

Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

The application site is located in a highly prominent location along East Terrace, and the proposed alterations to the building will be highly visible from the street scene. The changes proposed are extensive, and would see the dwelling raised in height and converted from single storey to two storeys, which would incorporate four dormers (two to the front and two to the rear). While these changes are visible, it is acknowledged that the two dwellings located adjacent to the north-east are of a similar design (and the exact same height), and in this context the proposed works are in-keeping with the areas existing character.

With respect to the site layout, the dwelling will retain space to the existing properties to either side which will be in-keeping with the current layout, and therefore Officers do not consider that the proposal would appear over-developed. Given this, and that the materials proposed (brick and cladding to the dormers) are in-keeping with the adjacent properties, Officers do not consider there to be significant visual harm that would warrant recommending a reason for refusal.

#### 2. Heritage Impacts

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

Adjacent to the south-west of the application site is 1-6 Penrice Court and 2-7 East Terrace, which forms a Grade II Listed Building. Accordingly, the Council have consulted with Essex County Council Place Services (Heritage), who have provided the following comments:

*"The proposal site is a 1970s bungalow and is adjoining Grade II Listed Prentice Court.*

*The proposed development is generally not considered to affect those elements of the setting that make a positive contribution to Prentice Court as designated heritage asset and would not detract from its significance and the way this significance is perceived, appreciated and understood. As the proposal will also match the adjoining properties along East Terrace, it would not result incongruous within the street scene.*

*It is noted however, that the first floor front gable of the proposed development would project over the glazed balcony, lining up with the front elevation at ground floor. The new roof would therefore introduce a prominent feature within the street scene which would interfere with the views along East Terrace towards Grade II Listed Prentice Court. I advise the gable is set back to match the adjoining properties.*

*I generally do not support the use of uPVC windows and rainwater goods and composite cladding within historic context as these are not traditional materials which are not in keeping with the local character (Paragraph 197c of the NPPF is relevant here). However, it is noted that these are already in use in the existing property and would match the adjoining Spindrift East Terrace.*

*Should the proposal be revised as advised above, there is therefore no objection to this application."*

In summary, while the proposal overall was not considered to be harmful to the setting of the Grade II Listed Building, the new roof would be prominent in the street scene and interfere with views towards the building, and suggest a revised design to address this. However, on this occasion Officers acknowledge that the section being referred to is the area of the property set furthest away from the heritage asset, and any harm in respect of views lost would be limited at best. Taking this into consideration, on balance Officers conclude that the harm identified is not so significant that it would be reasonable to recommend a reason for refusal.

### 3. Impact on Residential Amenity

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Adopted Policy SP7 of the Adopted Local Plan requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The application site is within a residential area, and the dwellings most impacted by the proposal are those adjacent to the north-east and south-west, and to the rear (west). With respect to the properties to the south-west, it is acknowledged that there is good separation distance (approximately 3.2 metres) between the properties, and there would be no overlooking concerns as a result. As such, no objections are raised.

Similarly, a separation distance of 3.5 metres is maintained with the property to the north-east (Spindrift). While the increase in height and addition of a first floor will create a degree of overlooking, the level of this would be minor, with views from the rear windows only having partial views to the area furthest rear of the neighbouring garden area (an area less likely to be regularly occupied), and the one additional side elevation window serving a bathroom and being obscure glazed. Given the sun rises in the east and sets in the west there will be a small level of sunlight/daylight lost in the late morning/early afternoon, but due to the separation distance this would not be significantly harmful.

Given this, and that Spindrifft itself is a two-storey property that similarly has the potential to overlook, Officers consider that the harm generated is not significant enough to warrant a reason for refusal.

With respect to the properties to the west, again the works will be visible to the occupiers, however there is a separation distance of approximately 12 metres to the boundary and 27 metres to the properties themselves. Given this, any overlooking would be to a low level, and the works will not result in any significant loss of daylight/sunlight. As such, no objections are raised in this regard.

#### 4. Flooding

The application site is located within Flood Zones 2 and 3. The proposed ground floor level of the extension will be the same as that of the existing dwelling, which is in accordance with the Environment Agency's standing advice for 'Minor Extensions' within flood zones 2 and 3, which requires that '... floor levels are either no lower than existing floor levels or 300mm above the estimated flood level' and therefore considered acceptable. Furthermore, the proposal now includes first floor areas, which will help to provide refuge in the case of a flood.

In addition, the agent for the application has submitted a Flood Risk Assessment, which has assessed the flooding risks, suggested flood mitigation measures, and has concluded that subject to the implementation of the mitigation measures, the proposal would provide a significant betterment to the safety of future occupiers and is therefore acceptable. Officers in considering the flooding risks, agree that the proposal, in creating a first floor area, will be safer in the event of a flood, and therefore offer no objections subject to a condition ensuring the mitigation measures are incorporated.

#### Other Considerations

Frinton and Walton Town Council recommend approval.

There have been no other letters of representation received.

#### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

#### 6. Recommendation

Approval.

#### 7. Conditions

##### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

Drawing Numbers 0040-A-001, 0040-A-002, 0040-A-200 Revision 03, 0040-A-201 Revision 01, 0040-A-202 Revision 01, and the document titled 'Flood Risk Assessment'.

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 CONDITION: The hereby approved development shall be constructed in full accordance with the flood risk resilience measures as outlined within Section 6 of the Flood Risk Assessment (Innervision Design Ltd, April 2023).

REASON: In order to ensure that the development is safe and resilient in the event of a flood.

## **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.