

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                                  | INITIALS | DATE       |
|--|----------|------------|
| Case officer recommendation:                   | ER       | 19/05/2023 |
| Planning Manager / Team Leader authorisation:  | ML       | 25/05/2023 |
| Planning Technician final checks and despatch: | ER       | 25/05/2023 |

**Application:** 23/00516/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** H and A Von Berg

**Address:** 28 Fourth Avenue Frinton On Sea Essex

**Development:** Erection of a single storey part side, rear extension and alterations to existing dormer windows.

### Town / Parish Council

FRINTON AND WALTON  
TOWN COUNCIL

Recommends - Approval

## 1. Consultation Responses

Essex County Council Heritage  
04.05.2023

The application is for proposed single storey part side and rear extension with open car port.

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

The proposed rear extension and redesign of the existing front and rear dormers are not considered to have any impact on the character and appearance of the Conservation Area.

However, the installation of a carport to the front of the existing garage would introduce an incongruous and prominent feature within the streetscape. The houses within this character area are mostly detached and set in spacious gardens with designed frontages and low boundary treatments allowing for views into landscaped front garden plots. While houses often have side garages, carports to the front are not considered a common feature and would not be in keeping with the character and appearance of the Conservation Area.

Tree & Landscape Officer  
18.04.2023

No trees or other significant vegetation will be adversely affected by the proposed development.

There is little scope or public benefit to be gained from new soft landscaping associated with the proposed development.

## 2. Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| TPC/95/43    | Reduce height of Willow and fell Prunus        | Current  | 06.11.1995 |
| TPC/96/62    | Fell Cupressus                                 | Current  | 22.10.1996 |
| 10/00459/FUL | Two new rear dormers to the existing dwelling. | Approved | 30.06.2010 |

|                |   |          |            |
|----------------|---|----------|------------|
| 21/00682/TCA   | 1 No. Conifer - remove, 1 No. Mimosa - remove.  | Approved | 19.05.2021 |
| 23/00516/FULHH | Erection of a single storey part side, rear extension and alterations to existing dormer windows. | Current  |            |

### **3. 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

Local Planning Guidance  
Essex Design Guide

Supplementary Planning Documents  
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.

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

#### **Application Site**

The application site comprises of a detached chalet bungalow which is located within the development boundary and conservation area of Frinton-on-sea. The house is set back on its plot and is finished in black boarding with a front canopy and dormer windows within the roof.

The Frinton-on-Sea Conservation Area appraisal document makes reference to the site as "There are some more unusual buildings. North of the Holland Road junction on Fourth Avenue is a distinctive group of chalets of varying dates and different styles, and all fairly small scale."

#### **Proposal**

This application seeks planning permission for a single storey part side, rear extension and alterations to existing dormer windows.

The initial scheme also included a proposed car port. The ECC Heritage team raised concerns with the proposed car port and since then this structure has been removed from the application and will not be assessed as part of the proposal.

## Assesment

### Proposed Rear and Side Extension

The proposed extension will be to the rear of the house and would be predominantly screened by the host dwelling. As a result of open spaces between properties parts of the enlargement will be publicly visible, however, given its significant set back from the front boundary and single storey scale any views of the proposal would be minimal and would not appear prominent in view from within the streetscene.

The site is located within a conservation area and therefore the Local Planning Authority has a statutory duty to ensure proposals either enhance or protect the character of such. As this element of the proposal will be largely to the rear with little to no views onto the streetscene and will respect the existing character of the host dwelling by accommodating similar materials and a flat roof design, it is considered that this element of the proposal would not result in a significant harmful impact to the appearance/ character of the conservation area.

The ECC Heritage team have been consulted as part of the application and have no objections to this element of the proposal.

The proposal is of a suitable size and scale in regards to the main house and will be finished with materials which are consistent with such.

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

The proposed addition is therefore considered to be a suitable enlargement to the existing house which would not adversely impact the visual amenity of the existing house or streetscene or the appearance/ character of the conservation area.

Sited to the north is 30 Fourth Avenue which is a two-storey detached property close to the boundary shared with the application dwelling. This neighbour's rear windows currently have views onto the host dwelling's garage and boundary fencing, therefore already receiving a reduced level of light and outlook. The proposed extension will extend beyond the rear of the garage by 4.7m with a flat roof design. This will allow for the majority of the enlargement to be screened by existing boundary fencing already in situ.

For the avoidance of doubt the Essex Design Guide's Sunlight/ Daylight calculations have been applied to the proposal and in this instance the 45-degree line in plan would encompass the nearest windows belonging to 30 Fourth Road whereas in elevation it would only strike through the lower section. The proposal therefore passes this test. Whilst there will be some impact to this neighbour, given the existing views afforded to the windows and the current screening by way of fencing, any loss of light and outlook would be considered not so significant as to refuse permission upon in this regard.

Sited to the south is 26 Fourth Avenue which is set off the shared boundary and already benefits from its own rear extension and fencing, which sits along the shared boundary. This proposal will not extend past this neighbour's rear wall and would not be visible from any of this neighbour's rear ground floor openings. The neighbouring extension does have side facing windows which will achieve views of the proposal, however, given its single storey nature and that these views are already limited due to looking onto the neighbouring fence, the loss of amenities here would be considered not so significant as to refuse permission upon.

The neighbouring properties both benefit from existing side facing windows which the proposal will impact upon. As these windows already receive little light and outlook due to their positioning and orientation onto the host dwelling and boundary fencing, they already receive a limited amount of light and outlook and therefore any impact in this regard would be unreasonable grounds to refuse permission upon.

The proposal is single storey in design with only rearward facing openings and would therefore not result in a loss of privacy to neighbouring sites.

The plans provided show that the proposed extension will result in the re organisation of openings to the side elevation of the existing utility room. These openings are at ground floor so will face boundary treatment preventing significant views into the neighbouring house. As they are at ground floor level, they are also considered to be permitted development and do not form part of this application.

#### Proposed alterations to dormers

The proposed alterations will result in the change of roof style of the proposed forward facing and rear facing dormers from flat roofs to pitched roofs.

The alterations to the rear will be screened by the host dwelling and not publicly visible, however, the alterations to the front will be noticeable from Fourth Avenue.

Whilst parts of the proposal will be visible these are considered minor changes to existing features which would not exceed the height of the host dwelling and would be minor in scale. These alterations will be significantly set back from the front boundary and sit appropriately within the roofslope as well as finished in materials consistent with the host dwelling.

The ECC Heritage team have confirmed that they have no objections to this element of the scheme.

The alterations to the dormer windows are therefore considered suitable and would not adversely impact the appearance/ character of the host dwelling or the conservation area.

These alterations are of a nature and siting which would not result in a significant loss of amenities to neighbouring sites.

#### Other Considerations

Frinton and Walton Town Council have no objections to the proposal.

There have been no letters of representation received.

#### Conclusion

The proposal is therefore considered acceptable and in accordance with National and Local Policies and would not result in a significant harmful impact allowing it to be recommended for approval.

### **5. Recommendation**

Approval - Full

### **6. 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.

P01B

P02

Design and Access Statement - Rec 06/04/2023

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.

## **7. 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.