

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	19/05/2023
Planning Manager / Team Leader authorisation:	AN	30/05/23
Planning Technician final checks and despatch:	CC	30.05.2023

Application: 23/00504/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Dukes

Address: 1 Old Pier Street Walton On The Naze Essex

Development: Proposed retention of new flue to log burner and associated works.

1. Town / Parish Council

FRINTON AND WALTON TOWN COUNCIL Recommends - Approval

2. Consultation Responses

Essex County Council
Heritage
03.05.2023

The application is for proposed retention of new flue to log burner and associated works.

The proposal site is located in a prominent position within the Frinton and Walton Conservation Area, at the corner between Old Pier Street and The Parade. This is a late 19th century building which has been much altered over the past decades, including the construction of an unsympathetic second floor extension and new façade in 2015-16 which completely changed the character of the original building.

A previous retrospective application has been submitted for the retention of pergola, glazed seating pod, spiral staircase and new flue. This application has been refused as the proposed features were considered an incongruous addition to the street scene and the Conservation Area, resulting in 'less than substantial harm' to the significance of the Conservation Area. The current advise only pertains to the retention of the new flue to log burner and associated works.

The proposed flue contributes to the cluttered appearance of the main elevation and introduces a prominent and intrusive element within the important views along The Parade and towards The Pier.

The proposed Flue is not considered to preserve the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage asset's conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

Furthermore the proposed fail to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF.

Environmental Protection
17.04.2023

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

I have looked at this application and can confirm that Environmental Protection have no comments to make.

3. Planning History

91/01065/FUL	Conversion of first floor from a flat and kitchen facility for former cafe to two flats.	Refused	29.10.1991
91/01309/ADV	Retention of 2 illuminated fascia signs, 2 neon signs, 4 neon window signs.	Approved	28.01.1992
92/00468/FUL	(1-5 Old Pier Street, Walton-on-the-Naze) Use of first floor as snooker and pool room with a maximum of six video game machines and four fruit machines	Approved	05.08.1992
92/01330/ADV	(39 The Parade and 1-5 Old Pier Street, Walton on the Naze) 3 additional illuminated signs	Refused	26.01.1993
93/00722/ADV	(39 The Parade and 1-5 Old Pier Street, Walton on the Naze) 3 additional illuminated signs [re-submission of application TEN/92/1330]	Refused	04.08.1993
03/01023/FUL	`Change of use from craft shop to Tanning and Nail Salon including electric sunbeds and spray lotion tanning booth	Withdrawn	05.06.2003
11/01344/FUL	Change of use from ground floor amusement arcade to shop use.	Refused	03.01.2012
12/00068/FUL	Change of use of amusement arcade to A1 shop use (Travel Agents). (Resubmission of 11/01344/FUL).	Approved	08.03.2012
12/01305/FUL	Proposed alterations at first floor level and extension at second floor level to form two flats.	Approved	15.02.2013
13/00703/FUL	Conversion of the ground floor premises into 2 x one-bed flats.	Refused	14.08.2013
14/30444/PREAPP	Conversion and extension into single residential dwelling.	Refused	16.01.2015
15/00213/FUL	Proposed conversion and extension into single residential dwelling.	Refused	07.04.2015

15/00214/FUL	Proposed conversion and extension into single residential dwelling at first and second floor with commercial space at ground floor level.	Approved	08.04.2015
15/00787/DISCON	Discharge of condition 02 (Materials) and condition 03 (Construction Method Statement) of planning permission 15/00214/FUL.	Approved	02.07.2015
15/00887/FUL	Proposed conversion into single residential dwelling and proposed extension.	Refused	14.08.2015
15/01221/FUL	Variation of condition 05 of approved planning permission 15/00214/FUL - Variation to approved drawings showing three smaller roof lanterns.	Approved	05.10.2015
22/01771/FULHH	Proposed retrospective application for a new pergola to existing second floor front balcony, a new glazed seating pod to roof top with access and a new flue to log burner and associated works.	Refused	30.01.2023
23/00430/FULHH	Proposed retrospective application for erection of new pergola to existing second floor balcony.	Approved	17.05.2023
23/00504/FULHH	Proposed retention of new flue to log burner and associated works.	Current	
23/00556/FULHH	Proposed retention of glazed seating pod to roof top with access.	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)

Application Site

The host dwelling is a three bedroom apartment located above a private garage and commercial premises on the corner of Old Pier Street and The Parade, and located within the settlement development boundary of Frinton, Walton and Kirby Cross, and is also within the Frinton and Walton Conservation Area.

Proposal

This application seeks planning permission for the retention of new flue to log burner and associated works.

Assesment

Design, Appearance and Heritage

The proposal protrudes beyond the roofslope by 1.8m and is therefore a publicly noticeable feature. Whilst noticeable the proposed flue is relatively slimline and situated on the roof of a second floor flat making views of it less prominent and intrusive within the streetscene.

The site is located within the conservation area and the ECC Heritage team have been consulted and have raised concerns over the proposed flue;

"The proposed flue contributes to the cluttered appearance of the main elevation and introduces a prominent and intrusive element within the important views along The Parade and towards The Pier.

The proposed Flue is not considered to preserve the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage asset's conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200)."

Whilst the proposal will be noticeable it will be sited on the roof of a second floor flat which will reduce views and will be consistent with other flats and commercial uses which already benefit from a mixture of chimneys, aerals and flues that are also publicly visible. As a result of other surrounding features and its low level impact upon the streetscene it is considered that the flue would not result in such a harmful impact to the appearance or character of the conservation area that would justify the refusal of planning permission. It is also an easily removed feature should the need for it cease in the future.

Impact to Neighbours

The proposal is of a minor nature which as a result of its siting would not adversely impact the residential amenities of neighbouring sites.

Other Considerations

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

There has been one objection received raising concerns over the loss of privacy resulting from the proposal.

Officer response - The proposal is for a flue which would therefore not result in any overlooking to neighbouring properties.

Two other applications have been received in regards to this site and are listed above, the officers assessments and reports will have considered and addressed concerns relating to any potential overlooking or loss of privacy from these other developments.

Conclusion

The proposal has been assessed against national and local policy and whilst it will have some adverse visual impact to the local area on balance this has been considered acceptable given the small scale of the proposal and its siting on a second floor rooftop and the application is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 No conditions.

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.