

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	13/9/2023
Planning Manager / Team Leader authorisation:	ML	13/09/2023
Planning Technician final checks and despatch:	JJ	14/09/2023

**Application:** 23/01027/VOC **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Richard Max

**Address:** St Michaels 37 Third Avenue Frinton On Sea

**Development:** Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition(s) 2 (Approved plans) of 21/00339/FUL to enable/allow minor changes to the approved single storey detached double garage building.

### 1. Town / Parish Council

Frinton and Walton Town Council Recommends - Approval

### 2. Consultation Responses

n/a

### 3. Planning History

TPC/95/11	Top 33 Leylandii	Current	15.03.1995
TPC/96/36	Fell 33 Leylandii	Current	27.08.1996
TPC/98/27	Pollard Willow	Current	07.04.1998
TPC/98/79	Fell Willow	Current	
03/00217/TCA	Remove 3 Fir trees and 2 Bay trees	Approved	21.03.2003
05/00743/TPO	Tree 1: Lift to 3m, remove deadwood and ivy and 1 lower limb near phone line / pole Tree 2: Lift to 5m, 10% crown thinning, deadwood remove ivy	Approved	23.05.2005
05/00744/TCA	Total removal of Oak tree including stump grinding Maple - one bough off	Approved	12.05.2005
06/00028/TCA	3 Bay trees and 1 Holly - reduce and reshape by 40%. Maple, Holly, Pear and Prunus - reduce and	Approved	20.02.2006

	reshape by 30%. Holly in rear garden - reduce by 30%.		
11/01105/FUL	Proposed single storey extension to form garage and utility room.	Approved	15.11.2011
14/00767/FUL	Proposed single storey side extension to form garage and utility (as approved under 11/01105/FUL).	Approved	29.07.2014
15/01754/TCA	1 No. Pittosporum - fell. 2 No. Pseudo acacia - reduce by 30% approximately. 1 No. Yew, 1 No. Holly, 1 No. Bay - reduce away from public footpath	Approved	15.12.2015
17/00510/FUL	Side extension to existing property to form a garage and storage space with toilet and shower facilities and a studio at mezzanine level.	Approved	23.05.2017
19/01743/TCA	T1 Remove Pear Tree and replace with semi-mature Ginkgo Biloba. T2 Reshape. T3 reduce by 2m. T4 remove deadwood. T5 and T6 remove and replace with Liquid Ambers. T7 lightly thin. T8 and T9 reduce height by 1-2m.	Approved	13.12.2019
20/00324/FUL	Extension of the existing property to form a garage and storage space with toilet and shower facilities and a studio at mezzanine level to the North and the removal of recent infill panels at the South facing Loggia/Verandah to restore the original open aspect of the South elevation.	Approved	13.07.2020
21/00339/FUL	Erection of detached double garage (incorporating a car lift), single storey extension to utility room and enlargement of first floor window to side elevation	Approved	21.06.2021
23/01027/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition(s) 2 (Approved plans) of 21/00339/FUL to enable/allow minor changes to the approved single storey detached double garage building.	Current	

#### **4. Relevant Policies / Government Guidance**

National:  
National Planning Policy Framework July 2023 (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)

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL11 The Avenues Area of Special Character, Frinton-On-Sea

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

### **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

## **5. Officer Appraisal**

### **Proposal**

This application seeks planning permission for the variation of Condition 3, the approved plans, of previously approved 21/00339/FUL. The changes relate to the detached garage. The proposal is to amend the design of the garage from a tandem style which holds a long footprint to a squarer footprint thereby reducing the area of the garage by 8 square metres.

### **History**

Previous applications for extensions to the northern side of the house have been approved but never constructed. These include application references 11/01105/FUL and 14/00767/FUL for a single storey attached garage and 17/00510/FUL and 20/00324/FUL for the erection of a one and a half storey side extension accommodating a garage, storage area and a studio at mezzanine level with alterations to the south facing loggia to restore the original open elevation. A pared back proposal in 2021 under reference 21/00339/FUL was granted permission for detached double garage (incorporating a car lift), single storey extension to utility room and enlargement of first floor window to side elevation and the works have commenced.

### **Assessment**

The changes relate solely to the detached garage which is proposed to be sited to the north of the main dwelling, in the same area as previously approved. The garage will remain slightly forward of the front elevation of the dwelling, however it extends backwards by 4.4 metres less than previously approved. The roof remains hipped although the new footprint dictates that the roof is more of a

pyramid shape and therefore it is higher by 0.45 metres. The changes will not significantly impact on the character of the immediate area.

When taking into account the changes proposed and considering the planning history with previously approved applications on the site there is not considered to be harm to the conservation area.

Given the nature of the proposed changes and significant distance to neighbouring properties, there is not considered to be any adverse impacts to existing amenities.

There are no other impacts in comparison to the previously approved scheme.

#### Other Considerations

Frinton and Walton Town Council recommends approval of the application.

No other letters of representation have been received.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

#### 1 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.

21/00339/FUL

Drawing No. EX0  
Drawing No. PP5 Revision A

23/01027/VOC

Drawing No. PA1  
Drawing No. PP2  
Drawing No. PP3  
Drawing No. PP4

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.

## 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO