

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	09/01/24
Planning Manager / Team Leader authorisation:	ML	10/01/2024
Planning Technician final checks and despatch:	JJ	11/01/2024

Application: 23/01627/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs W Robinson

Address: 21 Second Avenue Frinton On Sea Essex

Development: Proposed change of use of existing annexe to self contained two bedroom dwelling.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

RECOMMEND REFUSAL on the grounds this is backland development and is located within a conversation area.

2. Consultation Responses

Environmental Protection
27.11.2023

With reference to the above application, I can confirm the EP Team have no comments to make.

ECC Highways Dept
28.11.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. No new or altered vehicular access is being proposed, the proposal will utilise one of two established vehicular accesses serving the host dwelling, the existing annexe is set well back from the highway located behind 17 Second Avenue. The proposal retains adequate room and provision for off-street parking including a double garage while a single garage and separate driveway for the host dwelling is being retained, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated on drawing no. A-1-004 Rev. A, and prior to occupation of the dwelling a minimum size 5 vehicular turning facility, shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

UU Open Spaces
06.12.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Park Playing Fields 1.1 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- The current facilities are adequate to cope with some additional development.

- No contribution is being requested on this occasion

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- None

Tree & Landscape Officer
27.11.2023

No trees or other significant vegetation will be adversely affected by the proposed change of use of an existing building.

Essex County Council
Heritage
08.01.2024

The proposal site is a well-preserved Edwardian dwelling which makes a positive contribution to the Frinton and Walton Conservation Area and to the character area of the Avenue.

As advised at pre-app stage, the conversion of the existing garage into a self contained separate dwelling within the rear garden of and existing property and with no direct access from Second Avenue would be incongruous and not in keeping within the Conservation Area.

Nevertheless, it is noted that the detached garage has already been built onsite following the approval of planning permission 09/00656/FUL and alterations proposed to allow for the conversion into a single dwelling are limited in nature and, overall, are not considered to change the scale and the ancillary character of the existing building. The proposal is therefore not considered to have an additional impact on the character and appearance of the Conservation Area, providing that any additional boundary treatment or hardstanding required to enable the conversion are in keeping with the local character and not visible from the public way.

As also advised, there are concerns that the introduction of a new dwelling within the rear garden of the existing building would involve the introduction, in time, of other residential features, as extensions, storage facilities, garden sheds, hardstanding which are generally allowed under permitted development rights and could potentially clutter the views from Second Avenue. A condition for suspending permitted development rights might therefore be considered in order to preserve the character and appearance of the Conservation Area.

Were permission to be granted, I advise the following conditions are included:

- o Prior to commencement a detailed landscape layout including information on boundary treatment and hardstanding materials, shall be submitted and approved in writing by the Local Planning Authority;
- 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.

3. Planning History

07/00844/TCA	2 No. conifers - fell	Approved	12.06.2007
09/00656/FUL	Erection of three storey side extension to dwelling, insertion of rear dormer window and erection of detached garage building with playroom/study and w.c. within roof space, as amended by drawing no RSA-02 and indicative street elevation received on 25/08/09.	Approved	15.09.2009
10/00321/FUL	Erection of three storey side extension to dwelling, insertion of new dormer window and erection of detached garage building as amended by drawing No. RSA-101 received on 26th April 2010.	Split Decision	14.05.2010
10/00836/LUPRO P	Erection of detached garage building without complying with Condition 3 imposed upon planning permission 10/00321/FUL.	Refused	15.11.2010

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework

National Planning Practice Guidance

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

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

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

HP5 Open Space, Sports and Recreation Facilities

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL10 Renewable Energy Generation

PPL11 The Avenues Area of Special Character, Frinton on Sea

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

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.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

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

Site Description

The application site is land located to the rear of Number 17 Second Avenue, which falls within the parish of Frinton-on-Sea. The site is along the western section of Second Avenue, and is within the Frinton and Walton Conservation Area, the Settlement Development Boundary for Frinton-on-Sea, and also within The Avenues Area of Special Character.

The building subject of the application, which is already in situ and in use as an annexe ancillary to Number 21 Second Avenue, is two storeys with the ground floor used for the parking of vehicles, and accommodation to the first floor. The surrounding area is urban in character, with residential development located along the eastern and western sides of Second Avenue.

Description of Proposal

This application seeks planning permission for the change of use of the building sited to the rear of Number 17 Second Avenue from an annexe ancillary to Number 21 Second Avenue into a residential dwelling, served by two bedrooms.

The proposal would see the inclusion of a new oriel bay window in lieu of the existing Juliet balcony and replacement doors at ground floor level in-lieu of the existing garage doors.

Site History

In September 2009, under reference 09/00656/FUL, planning permission was granted for the erection of a three-storey side extension to 21 Second Avenue, along with the erection of a detached garage/playroom building that is subject of this current planning application.

In addition, under reference 10/00321/FUL a split decision was issued that refused a revised design for the previously approved garage.

Whilst the permission granted did not specifically allow for an annexe, Officers note that the first floor was allocated as a playroom and study at first floor level and the use of the building as an annexe would not require separate planning permission.

Assessment

1. Principle of Development

The proposal involves converting the existing annexe associated with the use at 21 Second Avenue, Frinton on Sea to a self-contained detached dwelling. The site is located within the Settlement Development Boundary, as defined in the Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2, therefore the principle is acceptable subject to the detailed considerations below.

2. Design and Visual Impacts (including backland development)

Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) 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 Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Furthermore, Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area.

The development will result in the creation of one detached dwelling located to the rear of Number 17 Second Avenue, and therefore Officers consider that it constitutes a form of backland development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous,

particularly with isolated dwellings. There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

Of particular relevance in this instance is also Policy LP8 of the adopted Local Plan, which states that proposals for the residential development of backland sites must comply with the following criteria (officer assessment in italics):

a) where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;

As stated above, to comply with adopted Policy LP4, the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area. The proposed dwelling, as well as Numbers 17 and 21 Second Avenue, will all provide for sufficient private amenity space that will be appropriately sized, and therefore comply with this criterion (and Policy LP4).

b) a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;

The proposal would utilise the existing access via Second Avenue to the east, which is sited between Numbers 17 and 21 Second Avenue. Whilst the access would be prominent it is existing and there are numerous other similar examples in the surrounding area, and therefore Officers do not feel it would be harmful to the street scene.

Furthermore, the level of noise disturbances to the adjacent plots will not be to a significant extent given that the number of vehicular movements associated with one dwelling would be limited.

However, the driveway, which measures approximately 5.1 metres width and 42 metres depth, is an example of a long and narrow driveway, and thereby fails to accord with the above criterion. Although it is noted the access is in situ, the future boundary treatment along the northern boundary would result in a change to the existing appearance, harmful to the character of the area.

c) the proposal must avoid "tandem" development using a shared access;

The proposed layout does demonstrate a form of tandem development, however the proposed drive will solely be for the proposed dwelling, with Numbers 17 and 21 Second Avenue each having their own separate access points. This criterion is met.

d) the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

The site is not considered to comprise an irregular and awkward shape, and will not prejudice a more appropriate comprehensive development solution, and therefore this criterion is met.

e) the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and

The application site is close to the edge of the defined settlement for Frinton-on-Sea, however it is noted the building is currently in situ and proposes limited external alterations. Given this, and that there are other outbuildings located to the rear of residential properties along this section of Second

Avenue, Officers conclude that the proposal would not produce a hard urban edge, and this criterion is therefore met.

f) the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

Adopted Policy PPL11 states that within 'The Avenues' area of Frinton-on-Sea, new development must preserve or enhance the special character and appearance of the Conservation Area, and that proposals must respect the special character and appearance of the area including the scale, aspect and design of adjoining buildings and the density of existing development. Criterion (a) within this policy, adds that new development must conform to the spacious residential character of development and not appear cramped or incongruous in the street scene.

Adopted Policy PPL8 highlights that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The proposal site is a well-preserved Edwardian dwelling which makes a positive contribution to the historic character of Second Avenue and is of aesthetic and architectural interest within the Frinton and Walton Conservation Area. Second Avenue is a grand street, with wide grass verges, street trees, and strong boundary treatments which separate the pavement from large plots within which are a range of detached housing. Front gardens are often visible from the street, and contain mature planting and hedgerows, which contribute to the verdant character of the street.

The area of the Avenues is characterised by detached houses facing the main road and set in spacious gardens with designed frontages and low boundary treatments allowing for views into landscaped front garden plots. Whilst it is noted the building is currently in situ following the planning permission granted within 09/00656/FUL, and also involves only limited external alterations, a new dwelling within the rear garden of an existing property and with no principal elevation and garden facing Second Avenue is not considered to be in keeping with the character and appearance of the Conservation Area. Furthermore, a separate dwelling would also involve the introduction of amenity space, new boundary treatment, parking facilities, as well as the potential for additional residential features including outbuildings, which further clutter the existing gap between Numbers 17 and 21 Second Avenue.

For these reasons, the proposal would therefore result in a level of less than substantial harm to the significance of the Frinton and Walton Conservation Area. In line with the requirements of Paragraph 208 of the NPPF, it is for Officers to weigh up this identified harm against the public benefits the proposal would generate. Given that the conversion of the garage would be for private use and the Council is able to comfortably demonstrate a sufficient five year housing land supply, there are no public benefits on this occasion that outweighs the harm.

Therefore, the proposed development is not considered to be in-keeping with the character of the area, and furthermore would set a precedent for future similar developments to the rear of properties along Second Avenue. This criterion is therefore not met.

It is acknowledged that within their consultee comments, ECC Place Services (Heritage) have suggested a planning condition to restrict permitted development rights for the erection of outbuildings and extensions. Whilst Officers accept that this would result in a slight improvement to the overall impact of the development, it does not overcome the majority of the concerns listed above.

3. Highway Safety and Parking

Paragraph 115 of the National Planning Policy Framework (2023) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional

traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted and have confirmed that they have no objections subject to conditions relating to a vehicular turning facility, the use of no unbound materials, the storage of building materials, and a Residential Travel Information Pack.

Furthermore, the Essex Parking Standards (2009) require that for dwellings with one bedroom, a minimum of one parking space is required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted Block Plan shows that this is comfortably achieved.

4. Residential Amenity

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed dwelling is sited to the rear of a host of existing residential properties, however, retains good separation distance from the majority of them to avoid any potential harm to amenities, whilst it is also noted there are no first-floor windows that could directly overlook. The dwelling is, however, sited to the end of the rear boundary for Number 17 Second Avenue. On this occasion though, it is noted that the building is currently in situ and limited external alterations are proposed, and there is also a separation distance of 2.3 metres to the rear boundary and approximately 23 metres to the neighbouring dwelling itself. Taking all of this into consideration, on balance Officers do not consider the harm to be so significant that it would warrant recommending a reason for refusal.

5. Renewable and Energy Conservation Measures

Paragraph 116 of the Framework (2023) states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features. On this occasion, no details have been provided to outline such features and therefore it would be necessary and reasonable to include a planning condition to secure this at a later stage.

6. Financial Contributions - Open Space and RAMS

(i) Open Space

Paragraph 55 of the National Planning Policy Framework (2023) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.

In line with the requirements of Section 2 Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is currently a deficit of 14.61 hectares of equipped play in Frinton, Walton and Kirby and adequate formal open space, however no contribution is requested on this occasion.

(ii) Habitat Regulations Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 3.3 kilometres away from Hamford Water SPA, SAC and RAMSAR. New housing development within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

Frinton and Walton Town Council recommend refusal on the grounds that the proposal is backland development within a Conservation Area.

There has been a total of 17 letters of objection and one letter of observation received, outlining the following issues:

1. Out of character;
2. Harm to character and appearance of Conservation Area;
3. Not in accordance with The Avenues Area of Special Character;
4. Set a precedent for other future developments;
5. Impact to neighbouring amenities;
6. Form of backland development that is out of character; and
7. TDC already have sufficient housing supply.

Conclusion

The application proposes the change of use of the existing annexe into a separate residential dwelling. Given the site falls within the Settlement Development Boundary for Frinton-on-Sea, the principle of development is accepted. Moreover, Officers consider the development would not result in significant harm to neighbouring amenities and has sufficient parking and private amenity provision. ECC Highways have also raised no objections.

However, the proposal represents a form of backland development that would include a long access that would not be in-keeping with the areas spacious character and would also set a harmful precedent for future similar developments along this section of Second Avenue. Given the sites

location within the Frinton and Walton Conservation Area, a level of less than substantial harm has therefore been identified, and it is not considered there are sufficient public benefits that would outweigh this harm. For these reasons, the proposal is not considered to be in accordance with local and national planning policies and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) 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.

Paragraph 208 of the National Planning Policy Framework (2023) adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Policy LP8 (b) and (f) of the adopted Local Plan states that proposals for the residential development of backland sites must not include a long or narrow access, and not be out of character with the area or set a harmful precedent for other similar forms of development.

Adopted Policy PPL8 highlights that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

Adopted Policy PPL11 states that within 'The Avenues' area of Frinton-on-Sea, new development must preserve or enhance the special character and appearance of the Conservation Area, and that proposals must respect the special character and appearance of the area including the scale, aspect and design of adjoining buildings and the density of existing development. Criterion (a) within this policy, adds that new development must conform to the spacious residential character of development and not appear cramped or incongruous in the street scene.

The proposal site is a well-preserved Edwardian dwelling which makes a positive contribution to the historic character of Second Avenue and is of aesthetic and architectural interest within the Frinton and Walton Conservation Area. Second Avenue is a grand street, with wide grass verges, street trees, and strong boundary treatments which separate the pavement from large plots within which are a range of detached housing. Front gardens are often visible from the street, and contain mature planting and hedgerows, which contribute to the verdant character of the street.

The area of the Avenues is characterised by detached houses facing the main road and set in spacious gardens with designed frontages and low boundary treatments allowing for views into landscaped front garden plots. A new dwelling within the rear garden of an existing property and with no principle elevation and garden facing Second Avenue is not considered to be in keeping with the character and appearance of the Conservation Area. Furthermore, a separate dwelling would also involve the introduction of amenity space, new boundary treatment, parking facilities, as well as the potential for additional residential features including outbuildings, which further clutter the existing gap between Numbers 17 and 21 Second Avenue. In addition, the proposal includes a long and narrow driveway.

For these reasons, the proposal results in a level of less than substantial harm to the significance of the Frinton and Walton Conservation Area and given the conversion of the garage would be for private use and the Council is able to comfortably demonstrate a sufficient housing land supply, there are no public benefits on this occasion that outweighs the harm.

Therefore, the proposed development is not considered to be in-keeping with the character of the area, and furthermore would set a precedent for future similar developments to the rear of properties along Second Avenue, contrary to the above local and national planning policies.

8. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents:

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Numbers A-1-003 Revision B, A-1-004 Revision A, A-2-005 Revision B, and the document titled 'Joint Planning (DAS) and Heritage Statement'.

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral