

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	08/02/2024
Team Leader authorisation / sign off:	ML	09/02/2024
Assistant Planner final checks and despatch:	ER	09/02/2024

Application: 23/01735/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Z Horton

Address: 1A and B Connaught Avenue Frinton On Sea Essex

Development: Proposed replacement of windows and insertion of additional door to shop front.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

RECOMMEND APPROVAL subject to the installation being in keeping with the existing soffit and fascia. It is important to acknowledge the concerns expressed by Essex County Council Heritage, particularly regarding the replacement of the current timber framed shopfront with uPVC. They state, in principle, there are reservations about uPVC in historic buildings in Conservation Areas due to the distinct difference in appearance and character when compared to traditional materials.

2. Consultation Responses

Essex County Council
Heritage
26.01.2024

The application is for proposed replacement of windows and insertion of additional door to shop front.

The proposal site is a non-designated heritage asset in a prominent corner position of the Conservation Area, at the junction between Old Road and Connaught Avenue. The southern façade of the building is curved, with historic shopfronts, bay windows to the first and second floor, and prominent gables. It is a striking building which makes a positive contribution to the area and in important views from the seaside towards the Conservation Area and marks the southern end of the commercial centre.

The two blocks at the southern end of Connaught Avenue and the terrace at 5-15 Old Road were already built in 1899. The Frinton Shopfront Design Guide describes this prominent site as the first to be developed, establishing the rhythm of Connaught Avenue. The evident consistency of shopfronts within 'family groups' of buildings, including the proposal site, is characteristic of the block development of Connaught Avenue between the end of the 19th century and the early 20th century.

The replacement of an historic shopfront in historic buildings and in Conservation Area on a like for like basis may be acceptable if this is assessed to be beyond practical repair. At this stage, insufficient information has been submitted on the significance and condition of the existing shopfront and it is therefore not possible to assess whether the existing windows and doors are original or a later replacement and if they are capable of repair and retention. This information should form part of this application as set out in Paragraph 200 of the NPPF.

Notwithstanding the lack of information, there are in principle concerns regarding the replacement of the existing timber frame shopfront with uPVC. Generally, the different appearance and character of uPVC windows and doors makes them unsuitable for historic buildings and buildings in Conservation Area as their overall quality and detail does not uphold the quality of the historic environment. While more recent uPVC units try to replicate the design, detailing and operation of traditional timber windows, these are still recognisable as they cannot match the sections and proportions of historic joinery and are often fitted with non-traditional features like trickle vents and false 'glazing bars'.

Moreover, uPVC windows are subject to discolouration from dirt and ultraviolet light over time and components tend to easily deteriorate and loose quality.

The insertion of an additional door to the existing shopfront would result in some loss of historic fabric and alter the symmetry and consistency of this historic shopfront, resulting in unnecessary harm which cannot be sufficiently justified as the shopfront already benefits from an existing recessed entrance door.

The loss of traditional timber frame shopfronts and their replacement with uPVC undermines the character and appearance of the Conservation Area and has a detrimental impact upon the significance of this non-designated heritage asset.

Overall, the proposal would fail to preserve the character or appearance of the Conservation Area. With regards to the National Planning Policy Framework (December 2023), the level of harm is considered to be 'less than substantial' due to the loss of historic fabric and the installation of incongruous features which would detract from the character and appearance of the Conservation Area, making Paragraph 208 relevant. Given the proposal would have a detrimental impact upon the significance of a non-designated heritage asset, the local planning authority should also take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset as per Paragraph 209 of the NPPF.

Paragraph 206, which requires clear and convincing justification for any harm, and paragraph 205, which attributes great weight to the conservation of a heritage asset are also relevant.

3. Planning History

23/01735/FUL	Proposed replacement of windows and Current insertion of additional door to shop front.
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4. 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.

5. **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>

6. **Relevant Policies / Government Guidance**

NATIONAL:

National Planning Policy Framework 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):

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL3 Sustainable Design
PPL8 Conservation Areas

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Frinton on Sea Conservation Area Appraisal
Frinton Shopfront Design Guide

No emerging or adopted neighbourhood plan

7. **Officer Appraisal**

Site Context

The site comprises of a ground floor commercial unit which occupies part of a prominent corner position of Connaught Avenue within the Frinton-on-Sea Conservation Area. The site is located at the junction between Old Road and Connaught Avenue. The southern façade of the building is curved, with historic shopfronts, bay windows to the first and second floor, and prominent gables. It is a striking building which makes a positive contribution to the area and in important views from the seaside towards the Conservation Area and marks the southern end of the commercial centre.

Proposal

This application seeks planning permission for the replacement of windows and insertion of additional door to shop front.

Since initial receipt of the application the materials proposed in the replacement windows and new door have been amended from UPVC to white timber as per recommendations of ECC Heritage.

Assesment

Visual Impact and Heritage Impact

The National Planning Policy Framework 2023 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 135 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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 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. Adopted 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.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any 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 Frinton on Sea Conservation Area appraisal makes reference to the site as such "There is more commercial activity approaching the junction with Connaught Avenue: on the outer side is a good group of four Edwardian properties, three of them retaining original fascia designs, and there are projecting bays at first floor with lead tops and little windows in pebble dashed gables above. "

The Frinton Shopfront Design Guide describes this prominent site as the first to be developed, establishing the rhythm of Connaught Avenue.

The proposal seeks the replacement of the existing windows and placement of new door within the front elevation of the premises. The existing entrance door, which is located within the existing front recess, will be retained in position and use on completion of the proposal.

The proposed is a minor change to the appearance of the building which, due to its size and scale, would not appear as a prominent or harmful change to the appearance/ character of the existing building.

The amended information provided from the applicant confirms that the new windows and doors will be changed from UPVC to white timber in response to concerns raised by ECC Heritage. The use of white timber here will allow the alterations to be consistent with surrounding properties and better reflect the character/ appearance of the locale and conservation area.

Given the minor nature of the proposal and its consistencies within the area the proposal is a suitable alteration to the building which would not result in a significant harmful impact to the appearance/ character of the existing building or this section of the streetscene.

The site is located within the conservation area for Frinton on Sea and concerns have been raised following consultation with Essex County Council Heritage. As the Local Planning Authority has a statutory duty to ensure that developments either enhance or preserve the characters/ appearances of their areas their concerns and the LPA's assessment of the impacts to the conservation area are detailed below;

ECC Heritage - The replacement of an historic shopfront in historic buildings and in Conservation Area on a like for like basis may be acceptable if this is assessed to be beyond practical repair. At this stage, insufficient information has been submitted on the significance and condition of the existing shopfront and it is therefore not possible to assess whether the existing windows and doors are original or a later replacement and if they are capable of repair and retention. This information should form part of this application as set out in Paragraph 200 of the NPPF.

Officer Response - Since this response has been received a full justification for the proposal has been provided. Within this document they have provided confirmation that the existing shop front and features are not original and have been changed over time. It is also noted that the building itself is not listed and that other surrounding properties have recently benefited from replacement doors and windows.

ECC Heritage - Notwithstanding the lack of information, there are in principle concerns regarding the replacement of the existing timber frame shopfront with uPVC. Generally, the different appearance and character of uPVC windows and doors makes them unsuitable for historic buildings and buildings in Conservation Area as their overall quality and detail does not uphold the quality of the historic environment. While more recent uPVC units try to replicate the design, detailing and operation of traditional timber windows, these are still recognisable as they cannot match the sections and proportions of historic joinery and are often fitted with non-traditional features like trickle vents and false 'glazing bars'. Moreover, uPVC windows are subject to discolouration from dirt and ultraviolet light over time and components tend to easily deteriorate and loose quality.

Officer Response - Upon receipt of this consultation response the materials to be used in this proposal have since been changed from UPVC to white timber to enable the proposal to be in keeping with the character of the conservation area. A condition will be imposed upon the permission to ensure that these materials are conformed to.

ECC Heritage - The insertion of an additional door to the existing shopfront would result in some loss of historic fabric and alter the symmetry and consistency of this historic shopfront, resulting in unnecessary harm which cannot be sufficiently justified as the shopfront already benefits from an existing recessed entrance door.

Officer Response - The proposal will result in the addition of a new door to the front of the building which will allow customers to exit the premiss. The existing door within the recess will be retained and will be used as an entrance for customers. As confirmed within the statement this will allow for better flow of customer movement throughout the premises and better ventilation within this section of the building.

Whilst the new door will result in a slight visual change to this section of Connaught Avenue the scale of development here is considered minor and therefore the new door here would not appear as prominent deviation from the character/ appearance of the existing streetscene. It is also noted that the premises next door benefits from a front facing door which leads to the main pathway and therefore the proposal would be consistent with this.

ECC Heritage - The loss of traditional timber frame shopfronts and their replacement with uPVC undermines the character and appearance of the Conservation Area and has a detrimental impact upon the significance of this non-designated heritage asset.

Officer Response - As stated above the materials have since been changed to white timber to allow the proposals to be better in keeping with the character/ appearance of the conservation area.

ECC Heritage - Overall, the proposal would fail to preserve the character or appearance of the Conservation Area. With regards to the National Planning Policy Framework (December 2023), the level of harm is considered to be 'less than substantial' due to the loss of historic fabric and the installation of incongruous features which would detract from the character and appearance of the Conservation Area, making Paragraph 208 relevant. Given the proposal would have a detrimental impact upon the significance of a non-designated heritage asset, the local planning authority should also take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset as per Paragraph 209 of the NPPF. Paragraph 206, which requires clear and convincing justification for any harm, and paragraph 205, which attributes great weight to the conservation of a heritage asset are also relevant.

Officer Response - It is appreciated that the proposal will result in a change to the overall appearance of the building however given the small-scale nature of the development and the diverse character of the area this change is considered not to appear as a prominent or harmful alteration in this instance. The applicant has provided sufficient justification of why the alteration is needed and

has even adapted the materials to better reflect the protected area. Moreover, conditions will be applied to secure the use of timber and precise details (section/cills/glazing bars) of the replacement windows and new door.

It should also be noted that the building itself has not been awarded special listing. Having regard to the above it is therefore considered that the alteration would be a suitable change to the building which would not be so harmful to the appearance/ character of the conservation area to refuse planning permission upon here.

Residential Amenities

The proposal is of a small scale nature which will be sited sufficiently away from shared boundaries preventing a significant loss of amenities to neighbouring sites.

Other Considerations

Frinton and Walton Town Council - Recommend approval for the application subject to the installation being in keeping with the existing soffit and fascia. It is important to acknowledge the concerns expressed by Essex County Council Heritage, particularly regarding the replacement of the current timber framed shopfront with uPVC. They state, in principle, there are reservations about uPVC in historic buildings in Conservation Areas due to the distinct difference in appearance and character when compared to traditional materials.

Officer Response - The concerns which have been raised by ECC Heritage have been addressed by a full justification of the works along with the change of materials from UPVC to timber to better reflect the character of the conservation area. A condition will be imposed upon the planning permission that only white timber is used for the doors and windows and this shall be retained in perpetuity.

There have been no further letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval - Full

9. 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.

2355/100

2355/101

2355/200

Email regarding materials - 31/01/2024

Amended Application Form - 31/01/2024

Justification and Heritage Statement - 08/02/2024

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 MATERIALS

The proposed replacement doors and windows will be completed in softwood timber as stated within the amended application form received 31st January 2024, to match those on the existing building.

REASON: The use of such materials would better reflect the character of the area and reduce the impact of the proposal on the appearance/ character of the conservation area.

4. ACTION REQUIRED - HERITAGE

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.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

10. 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.

11. 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.

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 (As known with application)
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