

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	19/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	20/06/2024
Assistant Planner final checks and despatch:		ER	21/06/2024

**Application:** 24/00669/FULHH      **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Bailey

**Address:** 36 Second Avenue Frinton On Sea Essex

**Development:** Householder Planning Application - proposed first floor addition above existing garage and erection of two storey rear extension.

1. **Town / Parish Council**

FRINTON AND WALTON  
TOWN COUNCIL

Recommend approval

2. **Consultation Responses**

Essex County Council  
Heritage  
03.06.2024

The application is for a proposed first floor addition above existing garage and erection of two storey rear extension.

The property occupies a prominent corner position within the Frinton Conservation Area (within the Avenues Character Area). It is located to the east of The Homestead, a Grade II\* listed building (list entry number: 1111531). It is a late twentieth century addition to the Avenues, however it is largely in keeping with the character and appearance of the Conservation Area due to its verdant front garden, stone boundary wall, and its largely traditional form and appearance. These are common features within this part of the Conservation Area and make a positive contribution to the streetscene and to important views along the Avenues.

The proposal has been amended following the refusal of a previous scheme for a more extensive remodelling of the property (23/01766/FULHH). As noted in previous advice (letter dated 18/01/2024), there are no objections to the proposed first floor side or two storey rear extensions. The proposed remodelling of the front elevation and the single storey side extension have now been removed from the proposals, addressing previous concerns. The plans now do not show any changes in the landscaping to the front of the property, retaining its verdant appearance.

However, the proposal includes a light-coloured render finish to the proposed first floor extension above the garage. The existing house is dark red brick, and the rear of the proposed extension is also proposed to be brick to match the existing. The isolated use of render to the first floor extension (whilst it is acknowledged that render is a feature of buildings neighbouring the property) may appear at odds with the host building. It is recommending that the facing material is brickwork to match the existing.

If materials match the existing, there are no objections to the

proposal as it is considered to preserve the character and appearance of the Conservation Area, and no harm will be caused to its significance. The proposal is compliant with Chapter 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If approved, it is recommended that a condition requires materials to match the existing (notwithstanding the annotation for light coloured render on the proposed drawing).

### 3. **Planning History**

TPC/2/83	Fell 2 Conifers	Current	29.03.1983
23/01766/FULHH	Proposed ground and first floor extensions to provide additional bedroom, utility room and improved kitchen, living and dining room layout, porch and boundary wall.	Refused	07.02.2024
24/00669/FULHH	Householder Planning Application - proposed first floor addition above existing garage and erection of two storey rear extension.	Current	

### 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

### 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>

There are no neighbourhood plans in place for this location.

### 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  
LP3 Housing Density and Standards  
PPL3 The Rural Landscape  
PPL8 Conservation Areas  
PPL9 Listed Buildings  
PPL11 The Avenues Area of Special Character, Frinton-on-Sea

Supplementary Planning Guidance:  
Essex Design Guide

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

### **Application Site**

The proposal site occupies a prominent corner position within the Frinton Conservation Area and the Avenues Character Area and faces Grade II\* listed The Homestead (List Entry Number: 1111531). The existing dwelling is a 20th century addition; however, it is considered in keeping with the character and appearance of the Conservation Area due to its extensive and verdant front garden and the use of traditional features like the stone boundary wall which replicates The Homestead, the front open porch, the traditional bay windows to the front elevation and the chimneys. These are common features within the Character Area of the Avenue and make a positive contribution to the streetscene and to important views along the Avenues.

### **Proposal**

This application seeks planning permission for the erection of a proposed first floor addition above the existing garage and the erection of a two storey rear extension.

### **Relevant History**

A recent planning application was submitted under planning reference 23/01766/FULHH for "Proposed ground and first floor extensions to provide additional bedroom, utility room and improved kitchen, living and dining room layout, porch and boundary wall." This previous application was refused on the basis that it resulted in significant harm to the visual amenity of the area and the character/ appearance of the conservation area.

The scheme has now been significantly reduced as part of this new scheme which only seeks planning permission for the first-floor side addition and the two storey rear extension.

### **Assesment**

#### *Visual Impact*

Paragraph 135 of the NPPF (2023) 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposed additions will result in a two-storey enlargement to the rear and first floor addition to the side over the existing garage. Given the corner plot setting of the site both of these enlargements will be noticeable from the public realm. Each of the extensions will be set back from

the front and side boundaries and will be lower in height compared to the host house reducing their prominence and allowing them to appear subservient to the host dwelling. The size of the plot will allow for at least 1m between the enlargements and their nearest boundaries allowing suitable space to be retained between buildings and preventing them from appearing cramped within the streetscene.

The proposed additions are of a suitable size and scale which are appropriate to the existing house and the amended plans provided show that they will be finished in materials which are consistent with the host dwelling.

The site currently benefits from a modest rear garden due to its corner plot setting. Whilst the completion of the proposed extension will result in a further reduction to the rear amenity space it is considered that the space remaining will still be of a usable size for the occupants to enjoy.

The proposal is therefore considered a suitable addition to the house which would not diminish the character/ appearance of the host dwelling or streetscene.

### **Heritage Impact**

Paragraph 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

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 site is located within the Frinton on Sea Conservation area.

The proposed extensions will be set back from their respective boundaries to reduce their prominence and will incorporate matching features to the main house such as use of similar materials and openings sizes to allow them to appear more cohesively to the main dwelling. The additions will also be lower in height to the main house which will aid in reducing their impact.

ECC Heritage have been consulted and have noted that following the refusal of the earlier scheme that the proposal has been reduced. They have no objections to the proposed rear and first floor side extension subject to the change of materials from render to brick which has now been agreed with the agent and detailed on received amended plans.

The proposal is therefore considered not to result in a significant harmful impact to the appearance/ character of the conservation area or nearby listed buildings.

### **Impact to Neighbours**

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 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.

Sited to the south of the site is 34 Second Avenue which is a two-storey detached house which is set further back on its plot compared to the application dwelling. The first-floor side addition will be a noticeable addition to this neighbour. This neighbour is set back on its plot and away from the shared boundary meaning that views of the additions will not be visible from their rearward

openings. The proposed side extension will be set off the shared boundary by at least 3m which will reduce its impact to any openings in situ along this neighbour's side wall. It is also noted that the proposed rear extension will be sited significantly way from this shared boundary and, therefore, based on the above the proposal is considered not to result in a significant loss of amenity to this neighbour.

Sited to the east of the site is 25 Holland Road which is a two storey detached house.

The proposed first floor side addition will be noticeable from this neighbour's rear garden; however, screening by way of other enlargements and the host dwelling prevents any clear views from this neighbouring house. This element of the proposal is therefore considered not to result in a significant loss of light or outlook to this neighbour.

The proposed rear addition will be 1.5m from the shared boundary with 25 Holland Road; however, this neighbour does not benefit from any side facing windows which will look onto the proposal. This will mean that only minor elements will be visible from other openings to the front and rear of the house, but these views will be minimal and would not result in such a significant loss of amenities to refuse planning permission upon in this instance.

The proposed plans do not show any openings within the rear walls of the proposed enlargements but there is a small rooflight indicated serving the en suite. Given that this rooflight will be positioned within the roofslope it is unlikely to achieve clear views into this neighbouring garden and therefore as a whole the proposed enlargements are considered not to result in a significant loss of privacy to this neighbour.

#### *Other Considerations*

Frinton and Walton Town Council recommend approval for the application.

There has been one letter of objection received detailing the below concerns:

- Close proximity to the boundary and neighbouring house resulting in it feeling overbearing to neighbouring site.

**Officer Response** - The proposed rear addition will be sited 1.5m from the shared boundary which will reduce its impact to this neighbour. It is also noted that the extension will be sited in proximity to the side wall of this neighbour which does not contain any openings, meaning views will be minimal and likely to be only achieved from garden areas and not primary living spaces. As assessed above the proposal would not result in such a significant reduction to the amenities of this neighbour which would require the need for officers to refuse this application.

#### **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.

#### Habitats, Protected Species and Biodiversity Enhancement

#### **Ecology and Biodiversity**

##### **General duty on all authorities**

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and

habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

### **Biodiversity net gain**

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

### **Protected Species**

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### **Conclusion**

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

## **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.

BSA-04 A

SITE PLAN - REC'D 03.05.24

PLANNING AND HERITAGE STATEMENT - REC'D 22.05.2024

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.

## **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.

### Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

## **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.

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