

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	04/07/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	JJJ	05/07/2024
Assistant Planner final checks and despatch:	ER	05/07/2024

Application: 24/00549/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr John Burnett

Address: 6 Harold Road Frinton On Sea Essex

Development: Householder Planning Application - single storey rear extension and carport, retention of first floor balcony.

1. Town / Parish Council

Frinton & Walton Town Council Recommend approval

2. Consultation Responses

Not Applicable

3. Planning History

24/00549/FULHH Householder Planning Application - Current single storey rear extension and carport.

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 currently no neighbourhood plans for this area.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (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

LP4 Housing Layout

PPL8 Conservation Areas

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)Application Site

The application site is located on the south-western side of Harold Road and consists of a two storey detached dwelling, which faces north-west. The site is separated from the highway via low brickwall behind which is a horseshoe driveway which allows access and egress. The rear garden is a mix of hard and soft landscaping which is enclosed along the south-west boundary with a large brickwall, whilst mature dense hedgerow is situated along the south-east and north-east boundaries. The site is located adjacent Frinton and Walton Conservation Area.

Proposal

Householder Planning Application - single storey rear extension and carport, retention of first floor balcony.

Assessment

The key considerations of this application will be Design and Appearance, Impact upon the Neighbours, Heritage Impact and Other Considerations.

Design and Appearance

Due to its siting, the rear addition will not be visible to the streetscene. The rear addition is single storey in nature and has a flat roof complete with 2 no. velux windows. It consists of two elements, a small enclosed extension (with a balcony – as existing) and which protrudes from the rear elevation and a covered veranda which infills an opening at the rear of the property. Both elements will be finished in materials which match the appearance of the host dwelling, significantly reduce the potential harm the proposals may have upon on the visual amenities of the area.

The carport and side extension, like the rear addition, are also single storey and will also have a flat roof complete with 1 no. velux window. Owing to its siting, the carport and side extension will be visible to the streetscene, however, the carport will have an open nature whilst the side extension will be finished in materials similar to the host dwelling, both of which will help lessen the proposals visual impact. Further, the proposal is adequately set back from the highway by a

distance of 7.2m and combined with their modest size and aesthetics, will appear as subservient additions reducing the visual harm the proposal may pose to the character of the locale.

The site is considered to be of a sufficient size to be able to accommodate the carport/side extension and rear addition whilst still retaining adequate amenity space.

A new balcony is proposed on the rear elevation. This is to replace an existing balcony which has fallen into disrepair. The proposed balcony will match the width, depth and height of the existing. The balcony will be constructed from toughened glass and steel framing which due to its opaqueness will soften its appearance, thereby posing no harm.

The plans indicate a window on the rear elevation will be altered for a door with sidelight. These works are deemed to be Permitted Development and therefore do not form part of this assessment

Impact to Neighbours

The site abuts the property known as 8 Harold Road to the north and Westbury Court to the south. As a result of the proposals single storey nature, the screening provided by the existing boundary treatment, an adequate separation distance of 4m between the rear extension and closest neighbouring property and the siting of the balcony, it is considered that the proposals collectively will pose no significant harm to the outlook or light of the neighbouring properties.

The proposed balcony will allow the applicants to overlook the neighbouring properties to the north, east and south. However, as the proposal is to replace an existing balcony, which appear to have been there for a considerable period, and of a similar size, which already has established an overlook over the adjacent properties, no additional harm will result to the amenities of the neighbouring dwellings. The LPA added this element to the description of the proposal because the proposal will clearly retain the balcony albeit above the new extension, whilst it is considered obvious that the proposal will retain an existing balcony, the LPA took the decision to not do a full re-consultation on this minor addition to the description (to make the planning application description more accurate)

Heritage Assessment

The application site lies adjacent the Frinton and Walton Conservation Area and whilst it is customary to consult Essex County Council's Heritage Department (Place Services) when a proposal could affect a heritage asset or its setting, the proposal will be constructed from materials which match the host dwelling greatly reducing the visual impact it may pose upon the special character of the area. Additionally, the extensions are single in storey in nature appearing as subservient additions which blend well with the host dwelling and do not appear out of keeping for the locale. As such, it has been considered there is no need to consult Essex County Council's Heritage Department.

On this basis, the proposal is considered to preserve the setting of the Conservation Area.

Other Considerations

Frinton & Walton Town Council recommend approval.

No other letters of representation have been received.

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. Further, the proposed development is consistent with the above mentioned national and local planning policies and, in the absence of material harm the proposal is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions / Reasons for Refusal

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.

Drawing No. 11 Revision A
Drawing No. 8 Revision A
Drawing No. 9 Revision A
Drawing No. 10 Revision A

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

12. Notification of Decision

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