

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	08/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO		
Team Leader authorisation / sign off:		AN	08/08/24
Assistant Planner final checks and despatch:		ER	09/08/2024

Application: 24/00876/FULHH

Town / Parish: Frinton & Walton Town Council

Applicant: Mr and Mrs Keating

Address: 1 Ferndown Road Frinton On Sea Essex

Development: Householder Planning Application - Proposed single storey rear extension, front bay windows, side facing roof lights, rebuild and extend garage and alteration to side facing first floor bathroom window.

1. Town / Parish Council

Frinton and Walton Town Council No comments on the application

2. Consultation Responses

n/a

3. Planning History

24/00876/FULHH Householder Planning Application - Current Proposed single storey rear extension, front bay windows, side facing roof lights, rebuild and extend garage and alteration to side facing first floor bathroom window.

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>

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)

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Proposal

This application seeks permission for a single storey pitched roof rear extension, front bay windows, four roof lights inserted into the southern roof slope, remove existing garage and rebuild, and remove two north facing windows in the first floor dormer and replace with one window at 1 Ferndown Road in Frinton on Sea. 1 Ferndown Road lies within the settlement development boundary of Frinton, Walton and Kirby Cross.

Design and Appearance

The proposal at 1 Ferndown Road will modernise the existing dwelling for contemporary living. A single storey pitched roof extension measuring 5.3 metres in depth, 4.2 metres in width with an overall height to the ridge of 4.5 metres will be constructed at the rear and includes two roof lights in the southern roof slope to light the internal space via a vaulted ceiling. The rear extension will be largely hidden from view given its position at the rear of the existing dwelling with the eaves height and roof pitch matching that of the existing dwelling. The extension will be finished in black boarding as a contrast to the brickwork of the existing dwelling and tiles that match the main house. At the front of the house the two ground floor windows that each serve a bedroom will be replaced with bay style windows with a canopy with tiled roof covering both. This creates a strong feature at the front of the dwelling. To provide additional light in the two bedrooms upstairs and to light a stairwell, four rooflights will be inserted in the southern roof slope which satisfactorily integrate. The existing garage which is forward of the front elevation of the house will be taken down and rebuilt on a larger footprint measuring 6.8 metres in depth, 4.8 metres in width and an overall flat roof height of 2.64 metres with a large central roof lantern and brickwork to match the existing dwelling. The overall appearance of the garage will remain the same. Internal changes to the first floor separate wc and bathroom will convert the two small areas into one shower room with a need for only one window rather than two which is considered acceptable as it will be centrally located within the dormer. Overall the additions and alterations to 1 Ferndown Road are considered acceptable and will not have a significant impact on the character and appearance of the existing dwelling or the immediate area.

The design and scale of the alterations and additions is acceptable in relation to the host property and would result in no material harm to visual amenity.

Impact upon Residential Amenity

The proposed single storey rear extension is a distance of 0.8 metres from the side boundary shared with 3 Ferndown Road. Using the sunlight/daylight calculations specified in the Essex Design Guide

the 45 degree line in plan from the rear of the proposed extension cuts across at least two of the rear facing windows at 3 Ferndown Road, although as a result of the low eaves of the proposed extension the 45 degree in elevation would only catch the rear of the garage which is closest to 1 Ferndown Road. The loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

The four rooflights, although on the southern side facing roof slope do not overlook any private sitting out areas or directly into neighbouring dwellings as a result of the orientation of the dwellings at the junction of Ferndown Road and Holmbrook Way while the rooflights serve bedrooms and the stairwell which will not be ordinarily used during the day ensuring no loss of privacy or overlooking of any neighbouring properties.

The addition of the front bay windows and the rebuild of a larger garage will not have a significant impact on neighbouring properties in terms of loss of light as a result of their position on the application site.

The changes to the fenestration in the north facing dormer window proposes an obscure glazed shower room window which is acceptable and prevents loss of privacy and overlooking to neighbours. The obscure glazing will be secured by condition on the grant of planning permission as well as ensuring that the part of the window that opens is 1.7 metres above the floor of the room.

No other alterations serve to significantly impact the neighbouring amenities.

There will be no change to the off road parking provision in front of the house. The existing garage does not meet the standards for a garage parking space and the proposed garage fails to meet the required dimensions too, however there is space in front of the proposed garage where at least two cars can park off the road in spaces which meet the car parking standards where one space measures 5.5 metres x 2.9 metres. Following construction of the single storey extension, nearly 300 square metres of private amenity space in the form of usable garden remains which is considered more than adequate.

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.

Other considerations

Frinton and Walton Town Council support the application.

No other representations have been received.

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.

The approved red line plan drawing is Site location plan 1:1250 received 12 June 2024
Drawing No KFD-02

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 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window in the north facing first floor dormer serving the shower room shall be non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room and glazed in obscured glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

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.

Biodiversity Enhancements 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
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Are there any third parties to be informed of the decision? If so, please specify:	YES	NO