

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	10/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	10/10/2024
Assistant Planner final checks and despatch:		JJ	10/10/2024

**Application:** 24/01242/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Bowden

**Address:** 49 Third Avenue Frinton On Sea Essex

**Development:** Householder Planning Application - New detached garage (following demolition of existing garage) and single storey side/rear extension.

### 1. Town / Parish Council

Frinton and Walton Town Council No comments received

### 2. Consultation Responses

n/a

### 3. Planning History

11/01370/TCA	T1 - T2, T4 - T5, T7 - T12 - fell. T3 - Willow - crown reduce by 30%. T6 - crown clean, remove dead wood, remove lower branches	Approved	13.12.2011
24/01242/FULHH	Householder Planning Application - New detached garage (following demolition of existing garage) and single storey side/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 that are relevant to this application.

## **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  
PPL8 Conservation Areas  
PPL11 The Avenues Area of Special Character, Frinton-On-Sea

### Supplementary Planning Documents

[Essex Design Guide](#)

Frinton and Walton Conservation Area Character Appraisal and Management Plan April 2022

### 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 detached garage located on the southern side of the existing dwelling. The proposal includes removing the existing single storey flat roof garage located on the north western corner of the dwelling and replacing it with a single storey pitched roof extension which will provide a garden room, utility and toilet. The application incorporates changes to existing ground floor fenestration at the rear and increasing the size of the raised patio. 49 Third Avenue lies within the settlement development boundary of Frinton, Walton and Kirby Cross. It also lies within the Conservation Area and The Avenues Area of Special Character.

### Design and Appearance

The single storey rear/side extension is significantly set back from Third Avenue and will only be glimpsed between the dwellings of 49 Third Avenue and 51 Third Avenue. The proposed single storey garage will be set level with the front elevation of the existing dwelling and although it will be clearly visible in the street scene its subservience will not diminish the character of the main house. The implementation of the development proposal would necessitate the removal of a small tree adjacent to the boundary shared with 45 Third Avenue. Whilst the loss of the openness will not have a positive impact on the public realm the small tree does not merit retention or protection by means of a tree preservation order. The beds around the driveway in front of the existing dwelling benefit from shrubs and planting and there is little scope to improve this.

The additions will enhance the existing dwelling as they will be finished using matching brickwork and roof tiles along with gable detailing which assimilates the buildings in the setting. The garage will have the traditional large vehicular opening with a garage door and white framed UPVC window and door to the rear. The rear/side extension will be finished with white framed UPVC

windows with Georgian all bar glazing to match the existing timber framed windows which is acceptable given their location to the rear of the dwelling. The replacement of the existing dining area doors for white powder coated aluminium framed bi-fold doors is acceptable at the rear of the existing dwelling. The existing stepped patio will be extended by 2 metres however it will remain at the same height within the garden which lies on sloping ground.

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.

### Heritage

Due to the application site being located within the Frinton and Walton Conservation Area and the Avenues Area of Special Character the applicant has submitted a heritage statement in support of the proposal. The Conservation area appraisal describes the Avenues area as follows: *'The houses found within this character area are detached, with varied massing and a wealth of attractive details in high quality building materials. They are set in spacious gardens with designed frontages...often surmounted by hedges. Mature street trees line the avenues, contributing to the verdant, residential character of the area, and low boundary treatments allow for views into landscaped front garden plots.'*

When taking into account all the elements of the application there is not considered to be significant harm to the conservation area. The character of the existing dwelling is maintained with gable features on the garage and extension that match the house. A condition securing precise details of the materials to be used in construction will be applied. As such, the proposal will have a neutral impact on the designated heritage asset (the conservation area).

### Impact upon Residential Amenity

The proposed detached garage is a distance of 0.3 metres from the side boundary shared with 45 Third Avenue. The proposed garage will be sited parallel to the dwelling of number 45 which has no side facing windows ensuring no significant loss of light.

The proposed side/rear extension will replace the existing attached garage and will be a distance of 0.254 metres from the side boundary shared with 51 Third Avenue, the same distance as the existing garage ensuring there will be no increased risk of loss of light or outlook. There are no windows facing 51 Third Avenue in the new extension.

Due to the single storey nature of the additions and the absence of any openings on the side elevations of the additions closest to the neighbours there will be no loss of privacy or risk of overlooking. The raised patio will remain at the same height albeit extended in a westerly direction by two metres ensuring there will be no loss of privacy to neighbouring properties.

No other alterations serve to significantly impact the neighbouring amenities.

### Parking/Access Considerations

There will be no change to the off road parking provision in front of the house which is served by an in and out block paved driveway. The existing garage does not meet the standards for a garage parking space which is also difficult to access. The proposed garage also fails to meet the required dimensions, however there is space in front of the proposed garage and on the driveway 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 ample private amenity space in the form of usable garden remains.

### 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 householder development. 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

Three letters of support for the proposal were received.

One letter of objection was received which raised the following concerns:

- The separation between the dwellings should be preserved
- There should be no erection of buildings forward of 45 Third Avenue
- The ground footprint of the dwellings should not be altered by any proposal to build on them

*Officers comment: The proposal submitted has been assessed on its merits and against the policies of the Local Plan and have been addressed within the report.*

## **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 at a scale of 1:1250 received 15 August 2024

Drawing no. 01 Revision C

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 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing materials, roofing materials and garage door to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

## 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.

### 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
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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**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<b>NO</b>
<b>Has there been a declaration of interest made on this application?</b>  <b>No Declarations Of Interest Made</b>	YES	<b>NO</b>