

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	04/12/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	05/12/24
Assistant Planner final checks and despatch:	ER	06/12/2024

**Application:** 24/01423/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Anthony Beckton

**Address:** 15 Holland Road Frinton On Sea Essex

**Development:** Householder Planning Application - Porch to main front entrance.

### 1. Town / Parish Council

Frinton & Walton Town Council No comments received

### 2. Consultation Responses

Not Applicable

### 3. Planning History

05/00220/TCA	Fell 1 Cupressus tree and reduce 1 large shrub in the right hand corner of the rear garden	Approved	07.03.2005
07/60042/HOUEN Q	INSTALLATION OF REPLACEMENT UPVC DOUBLE GLAZING TO SIDE AND REAR ELEVATIONS AND REPLACE ALUMINIUM PATIO DOORS		27.03.2007
15/00698/FUL	Side extension.	Approved	29.06.2015
24/01423/FULHH	Householder Planning Application - Current Porch to main front entrance.		

### 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

Frinton and Walton Conservation Area Character Appraisal and Management Plan 2023

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

### Application site

The application site is located on the southern side of Holland Road and consists of two storey detached dwelling which faces north. The site is separated from the highway via a low brick wall behind which the front garden is a mix of hard and soft landscaping. The site is within the Conservation Area for Frinton and Walton and The Avenues Area of Special Character Frinton.

### Proposal

This application seeks planning permission to erect a front porch.

### Assessment

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

### Design and Appearance

The proposal is located to the front of the site where, due to the lack of screening along the front boundary it will be visible to the streetscene. That being said, the proposal is considered modest in

size measuring, 2.0m in width, 1.3m in depth and 2.9m in height and will be set back from the edge of the highway by 10.0m and screened by the forward projecting garage in views from the east. The proposal will be finished with a mix of red/brown facing brick, blue painted timber frame, uPVC door and reddish brown interlocking clay tiles. The use of these materials and colours will closely resemble those currently used on the host dwelling and will help tie in the proposal lessening the negative impact the proposal may pose to the locale.

As a result of the above, the proposal is considered to pose no significant harm to the visual amenities of the locale to warrant refusal of this application.

#### Impact on Neighbouring Amenities

Due to the nature of the proposal and its location in the middle of the host dwelling front elevation, the porch is considered to pose no significant harm to the amenities of the neighbouring properties.

#### Heritage Assessment

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Policy PPL8 of the Tendring District Local Plan seeks to ensure that any new development within a designated Conservation Area will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: a. scale and design, particularly in relation to neighbouring buildings and spaces; and b. materials and finishes, including boundary treatments appropriate to the context. Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

Page 48 of the Frinton and Walton Conservation Area Character Appraisal and Management Plan 2023 refers to Holland Road: Holland Road, which bisects the Avenues, slopes up to the east, affording views along it to the wider arable setting in the west. Its residential buildings are varied in architectural style and are set back from the road within generous plots, similar to those on the Avenues. There has been more noticeable loss of historic boundary treatments on this road, with many gardens bordered by high close board fencing.

Paragraph 205 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The application site lies inside the Conservation Area for Frinton and Walton and The Avenues Area of Special Character Frinton. The proposed finish of a mixed brown/red facing brick, blue painted timber frame and reddish brown clay tiles are considered sympathetic to the host dwelling. The materials excluding the blue painted timber frame are considered appropriate and common within the conservation area. As the woodwork of the existing dwelling is painted blue this colour is considered acceptable in this case, furthermore there would be no control over the change of the existing blue colour to e.g. a more traditional white or timber colour in the future.

Given the modest scale and limited prominence in the sider streetscene of the proposed porch the proposal is considered to preserve the character and appearance of the Conservation Area.

#### Other Considerations

Frinton & Walton Town Council have no comments.

No 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 householders 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. BHR-201  
Drawing No. BHR-202 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

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

<b>please specify:</b>		
<b>Has there been a declaration of interest made on this application?</b>	<b>YES</b>	<b><u>NO</u></b>