

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	15/01/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	MP	17/01/2025
Assistant Planner final checks and despatch:	ER	17/01/2025

Application: 24/01770/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Emma Buckley

Address: 27 Hadleigh Road Frinton On Sea Essex

Development: Householder Planning Application - Pitched roof dormer to front roof slope.

1. Town / Parish Council

Frinton and Walton Town Council Support the application.

2. Consultation Responses

Not applicable to this application.

3. Planning History

24/01289/HHPNO T	Prior approval for single storey extension with a dual pitch roof (6m deep from rear wall of original dwellinghouse, 2.921m to eaves, 3.6m maximum height).	Refused	27.09.2024
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24/01290/LUPRO P	Application for Lawful Development Certificate for Proposed Use or Development for conversion of existing roof to habitable space. Form new box dormer to rear roof slope. 2no new Velux windows to sit on front roof slope. Existing chimney to be removed. Replacement of first floor rear window to match other existing windows.	Approved	03.10.2024
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24/01486/FULHH	Householder Planning Application - Single storey rear extension.	Approved	19.11.2024
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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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2024 (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

LP4 Housing Layout

Supplementary Planning Guidance:

Essex Design Guide

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application dwelling comprises of a two storey detached dwelling with a pitched roof and two sideways facing gable ends. The house benefits from an existing front bay window at ground floor level which projects forward of the front elevation. This existing front projection element extends above at first floor level with a pitched roof and forwardly facing gable feature, which is slightly lower in height compared to the remainder of the existing house.

The local area comprises of a variety of differently designed houses which vary in terms of materials. There are a small number of houses nearby which benefit from existing roof additions which are of a cat slide design that are small in size and located to the side roof slopes allowing them to appear appropriately to their host dwellings and discreetly within the street scene.

Proposal

This application seeks planning permission for a new pitched roof dormer to the front of the house.

The plans show that the new addition will measure 2.053m in height, 2.637m in depth and 1.758m in width. The dormer will comprise of a pitched roof design with its cheeks and side walls and roof slopes finished in tiles to match the existing house. The new enlargement will allow for a new opening to be positioned centrally within it and will serve the master bedroom at first floor.

Assessment

Visual Impact

Paragraph 135 of the NPPF (2024) 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 Essex Design Guide states the following should be achieved with dormer windows “*Dormers should be a minor incident in the roof plane. Their purpose should be to light the roof-space, not to gain extra headroom over any great width.*”

The proposed dormer window will be of a pitched roof design and finished in hanging tiles to match the existing house. The proposal will be sited to the front roof slope of the existing house serving the new master bedroom and second floor.

The existing house benefits from a two storey front bay window style projection which forms a prominent visual aspect of the house. The remainder of the dwelling is recessed slightly further back allowing this projection to appear noticeable, allowing it to establish its own presence within the variety of houses present in the street scene.

It is noted that there are a number of dormer enlargements already present and noticeable within the locale. These enlargements nearby tend to be sited largely to side slopes to limit their presence as well as modest in size responding to existing roof slopes and acting as incidental and discreet additions to their respective dwellings.

The proposed dormer window in this instance will be positioned within the front roof slope and therefore a prominent addition which would be unlike others within the locale. The siting of the addition alongside the existing front projection is considered to steal focus from this existing element resulting in a cluttered appearance within the roof slope and therefore significantly disrupting the appearance of the existing house. This impact would further be exacerbated by the size and design of the addition, that is considered to appear disproportionately to the host dwelling and existing features, therefore appearing as an incongruous addition to the existing house which would be detrimental to its character and appearance within the street scene.

The proposal would therefore result in a significantly harmful impact to the overall character/appearance of the existing house which would direct onto the public realm, thereby failing to comply with the above national and local policies.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2024) 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.

The proposal will be positioned on the front roof slope and will therefore achieve views of the main highway preventing it from resulting in a significant impact to amenities of neighbouring sites.

Ecology and Biodiversity

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. Should the application be recommended for approval then an informative will be 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 (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes householder applications 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.

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.

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.

There have been no letters of representation received.

Conclusion

The proposed dormer enlargement will be sited within the front roof slope of the existing house looking out onto the main highway and therefore not resulting in a loss of amenities to neighbouring sites.

However, the introduction of a roof enlargement within the front elevation would appear as a noticeable feature within Hadleigh Road and be viewed in conjunction with characteristic aspects of the host dwelling such as the existing front projection. The proposal is considered to steal focus from this existing feature resulting in a cluttered appearance when viewing the house. It is also noted that due to its size and design the enlargement would appear as a contrived and incongruous feature to the existing dwelling which is considered to be detrimental to the appearance of the host dwelling within the street scene. Accordingly, the proposal fails to comply with national and local planning policies and is therefore recommended for refusal.

8. Recommendation

Refuse.

9. Reason for Refusal

- 1 The existing house benefits from a two storey front bay window style projection which forms a prominent visual aspect of the house. The remainder of the dwelling is recessed slightly further back, allowing this projection to appear as a noticeable feature and adding to its character within the variety of houses present in the street scene. The introduction of a dormer within the front elevation would appear as a noticeable feature within Hadleigh Road and be viewed in conjunction with these characteristic aspects of the host dwelling. The proposal is considered to steal focus from this existing feature, resulting in a cluttered appearance when viewing the house. Furthermore, the size and design of the enlargement would result in a contrived and incongruous feature to the existing dwelling, which would be detrimental to the appearance of the host dwelling and consequently detrimental to the

character and appearance of the area. The proposal therefore fails National Policy paragraph 135 and Local Plan Policy SP7.

10. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents:

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

9217-A-001 - SITE AND BLOCK PLANS - REC'D 02/12/24

9217-A-002 - PROPOSED SITE LAYOUT PLAN - REC'D 02/12/24

9217-A-200 01 - PROPOSED FLOOR PLANS AND ELEVATIONS - REC'D 02/12/24

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)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

and ethnic or national origin)		
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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO