

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	07/03/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	14/03/2025
Assistant Planner final checks and despatch:	ER	14/03/2025

Application: 25/00042/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Stock

Address: 16 Audley Way Frinton On Sea Essex

Development: Householder Planning Application - single storey rear extension (following demolition of existing sun room) and 2 no. rear facing dormers. Partial conversion of garage to utility room.

1. Town / Parish Council

Frinton & Walton Town Support application
Council

2. Consultation Responses

Not Applicable

3. Planning History

15/01825/TCA	1 No. Hawthorn - Reduce by 30%.	Approved	05.01.2016
18/01875/TCA	Reduce Conifer and Holly by a third. Reduce Birch by a third. Remove dead Hawthorn.	Approved	03.12.2018
20/00866/TCA	1 Hawthorn - Pollard.	Approved	29.07.2020
21/00983/TCA	1 No. Multi stemmed Holly - fell, 1 No. Conifer - fell.	Approved	08.07.2021
21/01310/FUL	Proposed single storey rear extension and loft conversion.	Approved	01.11.2021
23/00885/NMA	Non Material Amendment to application reference 21/01310/FUL for proposed reduction in size / extent of single storey rear extension. Retention of and alteration to existing entrance lobby.	Approved	19.07.2023
25/00042/FULHH	Householder Planning Application - single storey rear extension (following demolition of existing sun room) and 2 no. rear facing dormers.	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>

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 December 2024 ([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 a corner plot located between Audley Way and Quendon Way and consists of a detached bungalow, which faces south-west. Low level vegetation demarcates the front boundary with the front garden consists predominately of soft landscaping. A strip of hard landscaping towards the northern boundary allows for off road parking. The rear garden also consists primarily of soft landscaping with close board fencing and mature dense vegetation enclosing it on all sides. The site is located inside the Frinton and Walton Conservation Area and the Settlement Development Boundary for Frinton, Walton and Kirby Cross.

Proposal

This application seeks planning permission to erect a single storey rear extension (following the demolition of the existing conservatory) and the installation of 2no. rear facing dormers and 4no./1no. velux windows to facilitate a loft conversion. Additionally, permission is being sought for the partial conversion of the existing garage into a utility room. This application is a resubmission of application 21/01310/FUL and the subsequent alterations made under application 23/00885/NMA.

Assessment

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

Design and Appearance

Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.

The proposed single storey rear extension measures 5.2m in depth, 5.4m in width with a maximum flat roof height of 3.4 metres. The extension is considered to be of an appropriate size and scale with the application site whilst being able to retain adequate private amenity space. The extension is located to the rear of the dwelling; however, with the site being a corner plot, the rear extension will be partly visible from the Quendon Way. This being said, it will be largely shielded by the existing fencing and dense mature vegetation along the boundary line and will therefore not appear overly prominent within the street scene. The extension will be finished in white painted render above a red brickwork plinth with a flat roof design. The windows and doors will be white uPVC windows and doors. The extension is of a matching design and appearance to that of the existing dwelling and is not considered to have any significant adverse effect on the visual amenities of the area.

The proposed loft conversion will involve the erection of two rear facing dormers measuring 2.9m wide, 2.4m deep with an overall flat roof height of 2m. The dormers will be finished in white render with uPVC windows and a flat roof. The proposed dormers are considered to be of a design and appearance in keeping with the host dwelling and surrounding area. The dormers will be largely shielded to the street scene by the existing dense mature vegetation located along the sites boundary and are not considered to have any significant harmful effect on visual amenities.

4no velux windows are proposed, 1no. in the rear roof slope, 2no. in the front roof slope and 1no. in the side of the hipped roof above the existing porch which will be obscure glazed and non-opening. As the property still retains its Permitted Development rights, these velux windows can be installed under these rights without first needing planning permission and have therefore not been assessed as part of this application.

Impact to Neighbours

The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

The application site abuts 14 Audley Way to the south-east and White Sands, 15 Central Avenue to the north-east. The proposed rear extension is single storey in nature and is located 4.5m from the shared boundary with the closest neighbouring property. Further, the extension will be well screened by the existing boundary treatment in addition to the neighbouring garage to the south-east. As a result of the above, there will be no harm to the neighbour's light, privacy or outlook as a result of this element of the proposal.

The rear dormers will include the installation of windows at first floor level to the rear of the host dwelling which will provide the host dwelling with additional views overlooking the rear of 14 Audley Way and 15 Central Avenue (White Sands), in addition to the street scene of Quendon Way. However, these windows will be serving bedrooms and a shower room which are not considered to be primary living spaces. Additionally, 14 Audley Way has 2 rear facing dormers which already overlook the host dwelling and surrounding residential properties. Because of this, any loss of privacy caused by the dormers cannot be said to be so significantly and detrimentally impactful to the adjacent dwellings to justify refusing planning permission.

Heritage Impact

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 which affects the setting of a 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; 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.

Paragraph 212 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 proposal includes the installation of two dormers and a single storey flat roofed rear extension both of which will be finished in white render with white uPVC windows and doors. A small red facing brick plinth runs along the bottom of the rear extension. The use of render for the finished appearance on both proposals matches the appearance of the host dwelling, moreover this is a prominent feature within the Conservation Area, found on several properties within the wider area and which forms part of its overall character. Further, both the dormer and rear extension will be largely screened from the street scene by the existing dense mature vegetation along the site's boundary. Additionally, there is also 2 no. rear facing dormers on the 14 Audley Way to the south-west and as such the proposed dormers cannot be said to appear out of character with the area. As a result of the above, the proposal is considered acceptable and will likely preserve the setting of the Conservation Area.

Highway Issues

Local Plan Policy CP2 states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Furthermore, The Essex County Council's Parking Standards; Design and Good Practice states that where a house comprises of two or more bedrooms, 2no. parking spaces will be retained. These parking spaces should measure 5.5m x 2.9m per space or in relation to a garage/carport measure 7m x 3m internally for a single and 7m x 5.5m for a double.

The proposal includes the partial change of use of the existing garage to create a utility room. However, the existing garage which has an internal measurements of 5.2 by 2.7 metres does not currently comply with Essex County Council Parking Standards to be considered an acceptable parking space. The proposed partial change of the garage is therefore considered not to have detrimental impact on the existing acceptable parking arrangements at the site.

Other Considerations

Frinton & Walton Town Council support the proposal.

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 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. 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

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. NEO.1126.100 Revision A
- Drawing No. NEO.1126.101 Revision E
- Document titled; Design, Access + Heritage Statement (Revision A) – Received 13/03/2025

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	<u>NO</u>
Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>
Has there been a declaration of interest made on this application?	YES	<u>NO</u>