

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	JJ	02/05/25
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:	N/A	
Team Leader authorisation / sign off:	AL	02/05/2025
Assistant Planner final checks and despatch:	ER	02/05/2025

Application: 25/00381/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Hall

Address: 1 Ferndown Road Frinton On Sea Essex

Development: Householder Planning Application - Rear and side extension and new dormer (following demolition of detached garage).

1. Town / Parish Council

Frinton and Walton Town Council Recommend Approval

2. Consultation Responses

No consultations required to determine this application.

3. Planning History

24/00876/FULHH	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.	Approved	09.08.2024
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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 2025 (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

Local Planning Guidance

Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises a one and a half storey property located to the western side of Ferndown Road, close to the junction with Holmbrook Way and Hillside, in the parish of Frinton-on-Sea. The site is within the Settlement Development Boundary.

Proposal

The application seeks planning permission for the erection of a 1.5 storey rear extension to accommodate an extended bedroom and ensuite bathroom served by an additional side facing dormer window, and a pitched roof side extension to accommodate a new entrance lobby and garage (following demolition of detached garage). The proposal also includes the cladding parts of the dwelling and new extension to the rear.

Assessment

1. Visual Impact

The application site is located on a prominent corner plot at the end of Ferndown Road at the junction with Holmbrook Way and Hillside, meaning that the proposed rear and side extensions will be visible from all street scenes. The proposed dormer window is to the northern roof slope of the property and will be partially visible between the dwellings from the Ferndown Road street scene.

The side extension will sit behind the existing garage, however this will be demolished making the extension clearly visible within the street scene. The extension will facilitate a new garage as well as a new entrance lobby. The side extension will be finished with a new garage door and front door to the front elevation, the walls will be finished in brickwork to match the existing property. The extension features a flat roof over the front section which will lead up to a pitched roof that joins into the existing property. The roof will be finished in matching concrete tiles to help the extension blend with the host dwelling.

The right-hand side of the property, when viewed from Ferndown Road, already features a dormer window, the new proposed dormer will be of a similar size and style sitting approximately a metre behind the existing. Part of the proposal includes cladding the existing and new dormer in a soft green colour, this cladding will also be applied to the front of the property and the new rear extension.

The proposed rear extension is one and a half storeys creating a larger dining area as well as extending the upstairs bedroom. The extension will extend past the existing rear elevation by approximately 3.5 metres. The roof of the extension will extend off the existing roof following the same pitch and will be finished in concrete roof tiles to match the existing dwelling. The extension will be finished in a soft green colour cladding, which will match the proposed cladding to the front of the property as well as to the dormers.

The proposed cladding to the front elevation will be clearly seen from the street scene of Ferndown Road. Ferndown Road and the adjacent roads (Holmbrook Way and Hillside), feature various different styles of properties including others that feature cladding. The proposed cladding although clearly visible would not appear out of character with the area. The addition of cladding to existing and new parts of the development will help enhance the overall appearance of the dwelling.

Although the extensions will be publicly visible due to the property being positioned on a corner plot, they will not appear overly prominent or harmful within the street scene, being somewhat screened by neighbouring dwellings and forward sited garage.

The application site can comfortably accommodate for the extensions whilst retaining adequate private amenity space. It is therefore deemed to be of an acceptable size, scale and detailed design.

2. Impact to Neighbours

The proposed side extension will be located close to the shared boundary with the neighbouring property to the south known as 18 Holmbrook Way but retains 1 metre side isolation. This neighbouring property is set back further in their plot than the application site dwelling meaning the proposed extension will sit beyond the front elevation of no. 18. The extension is single storey and will not cause a significant loss of outlook, amenity or light to this property. The extension does not include any openings to the side elevation so will not cause a loss of privacy to the frontage of the neighbouring property at no. 18.

The proposed dormer is located to the right-side, north facing elevation and sits behind the existing dormer. The dormer includes a window that will face towards the property known as 3 Ferndown Road. However, the window serves an ensuite bathroom and will be obscure glazed to prevent any loss of privacy to this neighbour. The dormer is small in size so will not cause a loss of light, amenity or outlook to this neighbouring property.

The proposed rear extension will be close to the boundary line with the neighbouring property to the north, known as 3 Ferndown Road, but again retains 1 metre side isolation. Due to the orientation of the dwellings and staggered positioning within their plots, the application property already extends beyond the rear elevation of no. 3 Ferndown Road and overshadows their rear garden. Given the juxtaposition of the rear extension to the neighbouring property, the 45-degree daylight test as set out within the Essex Design Guide has been undertaken to assess the impact on the rear facing windows of the neighbouring dwelling. The extension fails in plan form but passes in elevation form due to the low eaves height and roof arrangement being fully pitched away from the boundary. This results in the combined test being passed and a refusal on the grounds of loss of daylight cannot therefore be justified. The proposed rear extension will also result in additional overshadowing to the garden of no. 3 Ferndown. However, the low eaves height, steep pitched roof and modest depth of the extension means that no significant loss of sunlight or daylight will occur that would amount to material harm that warrants refusal of planning permission on this basis.

The rear extension includes doors at ground floor level opening out into the garden and a rear first floor window and Juliette balcony. The boundary lines currently feature a low fence which allows views into the neighbour's gardens. The additional ground floor door to the side elevation as well as the doors and window to the ground floor rear elevation of the proposed extension will face into the host dwelling's garden. The rear extension also includes a window with a Juliet balcony to the first floor. The additional ground floor openings may result in some loss of privacy to the neighbouring dwellings, however they are already be overlooked by their neighbouring properties due to the low fence. To reduce any loss of privacy these fences could be changed to a 6ft garden fence under permitted development rights creating more privacy for the host dwelling and the neighbouring properties. The window with Juliet balcony at the first-floor level may cause some loss of privacy however the existing dwelling already has a window at this level on the rear elevation. The new window would service a bedroom which is rarely used during daytime ours. The Juliette balcony is no more harmful than a window as it cannot be used to sit out. The loss of privacy would not be so significant to justify refusing planning permission.

3. 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.

Other Considerations

The proposal will result in some loss of internal parking due to the demolition of the existing garage. However, the demolition will allow for a larger driveway / parking area to meet the needs of the development.

Frinton and Walton Town Council have submitted comments recommending the application be approved.

No other letters of representation have been received.

Conclusion

The proposed development is consistent with the above mentioned national and local planning policies. In the absence of any 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.

Drawing No.'s

- Site Location Plan – Received 04/03/25
- KFD-02 C Proposed Extensions and Alterations (including materials and obscure glazing details)

REASON: For the avoidance of doubt.

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.

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

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>

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.

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:	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