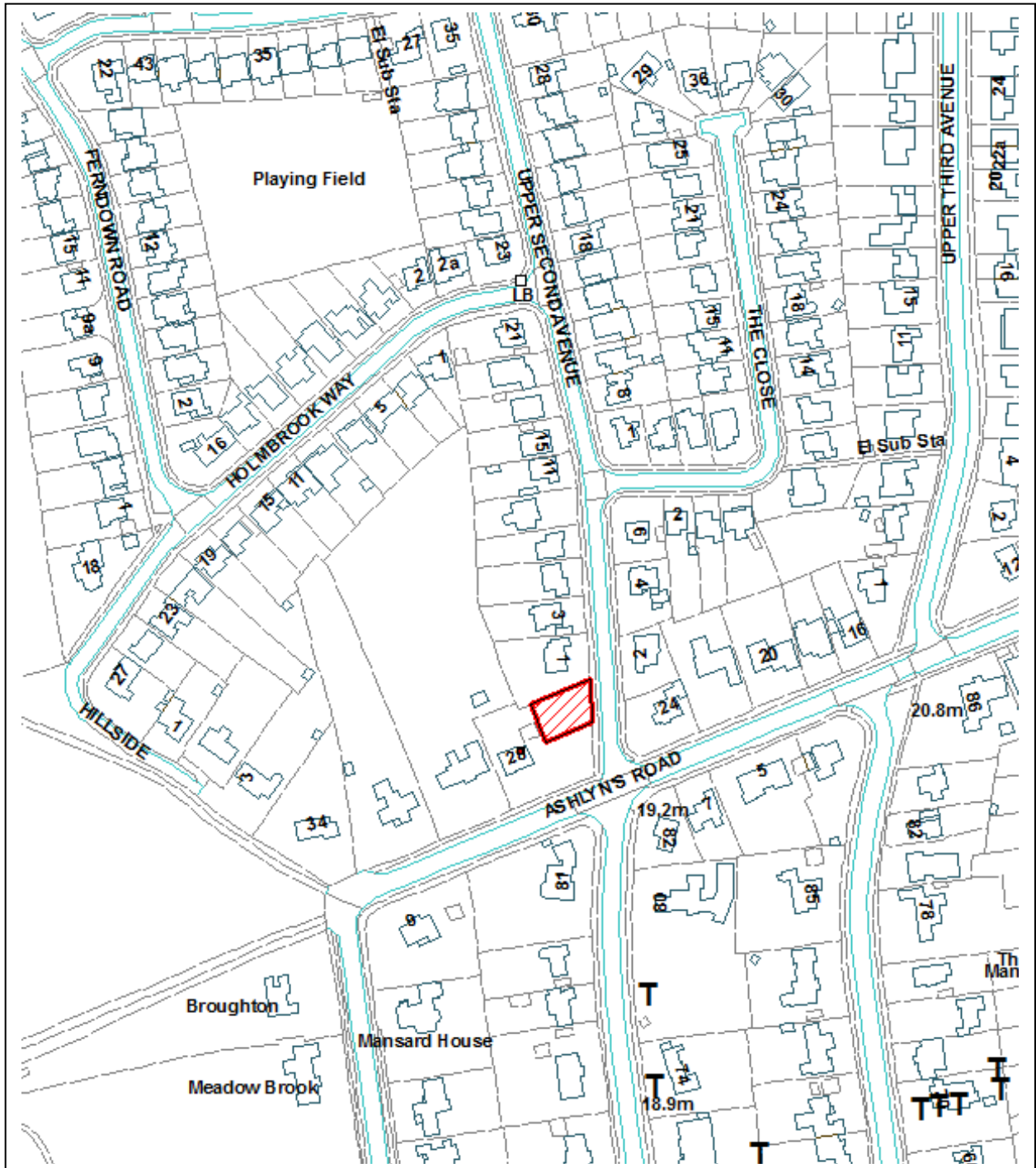


PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 18/00428/FUL - LAND ADJACENT 28 ASHLYNS ROAD, FRINTON-ON-SEA, CO13 9EU



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Application:	18/00428/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr & Mrs Smith	
Address:	Land adjacent 28 Ashlyns Road Frinton on Sea CO13 9EU	
Development:	Proposed dwelling.	

1. Executive Summary

- 1.1 The application is before the planning committee as it has been called-in by Councillor N.Turner for the following reasons;
- This site is a major part of the Frinton-on-Sea Conservation Area and the Avenues area of special character. It is not land adjacent to, it is land that is part of 28 Ashlyns Road.
 - The Inspector dismissed another application on 27th June 2017- APP/P1560/W/17/3169004. In it he states at para 6 'the proposal would provide for a more confined development than that remaining for no 28 and also result in the loss of an undeveloped corner, which currently contributes strongly to the spacious character of this area.'
 - There is a covenant on this house and grounds, when bought in 2012 that states no development or selling off of parts of the plot. This is a civil matter, but it adds to the argument for refusal of this application.
- 1.2 The application seeks full planning permission for the erection of a two-storey detached dwelling within the northern section of the side garden serving no.28 Ashlyns Road. The proposed dwelling will front Upper Second Avenue and will be accessed via a new access cut through the existing boundary hedge.
- 1.3 The principle of residential development on this site is acceptable as the site is located within the Settlement Development Boundary of Frinton-on-Sea as defined by the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is also located within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character.
- 1.4 The land immediately to the side of No.28 Ashlyns Road, which forms land to the south of the application site, was the subject of an application for a detached dwelling (reference 16/01229/FUL) which was refused permission and an appeal subsequently dismissed in June 2017. The scheme was refused permission and dismissed on appeal due to the adverse impact of the development reducing the open spacious character of this corner site and the absence of any detailing to the property relating it to the period character of the locality.
- 1.5 This application reduces the extent of the site to include only the northern half of the side garden area and the dwelling has also been reoriented to face eastwards onto Upper Second Avenue. These changes are considered to overcome the previous reasons for refusal as the prominent corner section to the south remains undeveloped and the property will form part of the Upper Second Avenue street scene. The re-design incorporating traditional features and a mixture of facing materials is also considered to overcome the design concerns raised previously.

- 1.6 Officers are therefore satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the development and the setting of the Frinton-on-Sea Conservation Area and Avenue Area of Special Character is suitably preserved. The application is therefore recommended for approval subject to conditions.

Recommendation: Approve

Conditions:

- Standard 3 year time limit
- List of approved plans
- Remove Permitted development rights for roof additions, outbuildings and extensions
- Construction method statement
- No unbound material in first 6m of access
- Vehicular parking/garage provided prior to occupation and retained thereafter
- Access to be 3m in width, at right angles to highway and served by dropped kerb
- No discharge of surface water onto the highway
- Details of materials
- Hard/Soft landscaping scheme/implementation

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

FW5 'The Avenues' Area of Special Character

SPL1 Managing Growth

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL12 The Gardens Area of Special Character, Clacton-On-Sea

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Conservation Area Character Appraisals

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

13/00741/FUL	Demolish existing detached garage, erect a single storey rear extension and render extension & existing building with rough cast rendering.	Approved	27.08.2013
14/01128/FUL	Demolish existing garage, erection of single storey rendered rear extension (variation to that approved under 13/00741/FUL), render existing building with rough	Approved	30.09.2014

cast render.

16/01229/FUL	Proposed dwelling.	Refused (Dismissed at Appeal)	11.10.2016
18/00428/FUL	Proposed dwelling.	Current	

4. Consultations

Essex County Council
Archaeology

There are no recorded archaeological remains in the immediate area of the above proposed development. Due to the scale and nature of the proposal there is unlikely to be any significant impact on any unknown archaeological deposits. There is no recommendation for any archaeological investigation for the above application.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:

NOTE: It is noted that appropriate vehicle visibility splays are available within existing highway

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- The proposed vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- Any single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

Tree & Landscape Officer The main body of the application site is set to lawn and forms part of the residential curtilage of 28 Ashlyns Road. The site boundary is planted with an established hedge comprising of a mixed range of species including Yew and Pittosporum.

There are no trees in the main body of the land or within the boundary hedgerow.

If planning permission were likely to be granted then a condition should be attached to secure soft landscaping details. The site layout plan shows the retention of the boundary hedge.

It would appear that here is sufficient room on the application site to accommodate new tree planting details of new tree planting proposals should be secured by way of condition.

The site is situated within the 'The Avenues Area of Special Character' and consideration should be given to the scale and design of the development and its impact on this special area.

Building Control and Access Officer No comments.

5. Representations

5.1 Frinton & Walton Town Council recommends refusal for the following reasons;

- This application does not satisfy any of the concerns raised within the previous application which resulted in the appeal being dismissed. An additional property would not enhance the area. It is believed that there is a covenant on this land which it is felt should be adhered to.

5.2 Cllr Turner has objected for the following reasons;

- This site is a major part of the Conservation area and the Avenues area of special character. It is not land adjacent to, it is land that is part of 28 Ashlyns Road.
- The Inspector dismissed another application on 27th June 2017-APP/P1560/W/17/3169004. In it he states at para 6 'the proposal would provide for a more confined development than that remaining for no 28 and also result in the loss of an undeveloped corner, which currently contributes strongly to the spacious character of this area.' Further The Inspector goes on to state that footnote 9 to Paragraph 14 of the NPPF should be applied i.e restricted development.
- There is a covenant on this house and grounds, when bought in 2012 that states no development or selling off of parts of the plot. This is a civil matter, but it adds to the argument for refusal of this application.

6. Assessment

The main planning considerations are:

- Site Context
- Proposed Development
- Planning History
- Principle of Development
- Design/Impact upon Heritage Asset
- Residential Amenity
- Highway Safety

Site Context

- 6.1 The application site is located on the eastern side of Upper Second Avenue within the settlement of Frinton-on-Sea. The site currently forms part of the side garden to no. 28 Ashlyns Road and is largely laid to grass. The site measures 15 metres in width with an average depth of 23 metres. A mature hedgerow forms the boundary with Upper Second Avenue and returns to part of the Ashlyns Road frontage.
- 6.2 No. 28 Ashlyns Road is a detached property located to the south-west of the site and occupies a 37m wide frontage onto Ashlyns Road with a return frontage of 24m on Upper Second Avenue.
- 6.3 Directly to the west of the site is the detached double garage serving no. 28. To the north is no. 1 Upper Second Avenue, which is a detached house that has two first floor windows facing south across the application site. On the opposite side of Upper Second Avenue is a detached property and further south is a dwelling which occupies the opposite corner plot.
- 6.4 The site is located within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character. The area is entirely residential in character and the houses forming the street scene are predominantly two-storeys in height and are largely detached dwellings.

Proposed Development

- 6.5 This application proposes the erection of a two-storey detached dwelling on the site. The dwelling would measure 10 metres in width, 8.6 metres in depth with a ridge height of 8.7 metres. To the northern side of the property an attached garage is proposed set back from the front elevation. To the front of the garage a parking space is proposed.
- 6.6 The dwelling would be sited an average of 10 metres away from the facing flank wall of no. 1 Upper Second Avenue and an average of 13 metres away at first floor level. The property would be 13 metres from the facing flank wall of no. 28 Ashlyns Road to the south-west.
- 6.7 The dwelling would comprise of 4 bedrooms with one parking space to the driveway and within the garage.

Planning History

- 6.8 The land immediately to the side of No.28 Ashlyns Road, which forms land to the south of the application site, was the subject of an application for a detached dwelling (reference 16/01229/FUL) which was refused permission and an appeal subsequently dismissed in June 2017.
- 6.9 The scheme was refused permission and dismissed on appeal due to the adverse impact of the development reducing the open spacious character of this corner site. While the Inspector was not concerned with the overall size and form of the proposed dwelling, the detailing of the proposed building was considered to be insufficient to reflect the quality of other properties in the Avenues Special Character Area.

Principle of Development

- 6.10 The site lies within the Defined Settlement Boundary for Frinton-on-Sea, as outlined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principle of residential development is, therefore, acceptable. Neither can there any objection in principle to the erection of a detached dwelling in terms of the character of the location, which is in this area comprises of wholly detached residential properties.
- 6.11 Rather, the acceptability of what is proposed depends upon the character of the area, amenity and environmental considerations and the various detailed requirements of other local plan policies, standards and guidance designed to ensure that new development relates satisfactorily to its surroundings, without harming amenity, heritage assets or raising highway concerns.

Design/Impact upon Heritage Assets

- 6.12 Ashlyns Road and the southern part of Upper Second Avenue are residential roads which form part of The Avenues Area of Special Character as defined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site is also within the Frinton and Walton Conservation Area.
- 6.13 Saved policy FW5 of the saved Tendring District Local Plan (2007) requires new development in The Avenues area to have particular regard to the special character and appearance of the area. That policy identifies density as a matter to be taken into account and states that development which would result in a reduction in the spacious character of the area will be refused permission.
- 6.14 The preamble to saved policy FW5 of the saved local plan provides guidance on the minimum plot widths that would be required in The Avenues. The proposed development would comply with the stated width of 15 metres along the frontage by presenting a 18m frontage onto Upper Second Avenue.
- 6.15 Ashlyns Road is characterised by detached houses dating from the early to mid-20th century which are of the Arts and Crafts style or of architecture that reflect that style. The houses are set back from the road and many of these occupy large gardens. Those houses that are sited close to each other maintain generous proportions and a sense of spaciousness. The proposed dwelling will face onto Upper Second Avenue which is characterised by detached properties but with less space in and around the dwellings. The plot widths are narrower and the properties take on more of a suburban appearance.
- 6.16 As stated above the previous application for a dwelling was sited on the land to the south and as a consequence the development would have occupied the prominent open corner and would have been read as forming part of the Ashlyns Road street scene. Within the dismissed appeal decision the inspector makes reference to the importance of the keeping the corner undeveloped as in its current state it contributes strongly to the spacious character of the locality and the conservation area setting. Further the inspector notes the harm that would be caused by infilling the one of the last remaining open frontages onto Ashlyns Road.
- 6.17 With the inspector's comments in mind this revised application reduces the extent of the site to include only the northern half of the side garden area. The dwelling has also been reoriented to face eastwards onto Upper Second Avenue. The remainder of the southern part of the plot addressing the Ashlyns Road corner would be retained as garden to the host property. As a result the openness of the corner will be retained, thereby preserving

the character and appearance of the area. Additionally the proposed dwelling would be predominantly viewed as part of the Upper Second Avenue street scene where the dwellings are of more recent construction and set closer together than Ashlyns Road. As a result the proposal will continue the line of housing along Upper Second Avenue in a similar and consistent form to the existing street scene and properties on the opposite side of the road thereby preserving the character of the locality. As a result it is considered that the re-sited dwelling would not have a detrimental impact upon the spacious character of the area and the impact upon the significance of the Frinton-on-Sea Conservation Area and Avenues Area of Special Character would be minimal.

- 6.18 In respect of the design of the property as mentioned above the inspector previously had concerns that the dwelling proposed to the corner would not reflect the design and detailing of existing properties in the locality or the Arts and Crafts period character. As a result the dwelling now looks to draw on features from nearby properties including having a two storey gable facing Upper Second Avenue and a further two storey gable element facing to the south, across the open corner. This double aspect arrangement will ensure that the flank elevation does not appear as a blank side feature. In addition the use of a large spreading and uninterrupted roof slope, a combination of facing materials (including hanging tiles and red brick), a garage consisting of a parapet feature and detailing to the gables ensures that design, form and materials of the property would represent an appropriate response to the character of the locality and the Arts and Crafts style period.
- 6.19 Overall it is considered that the proposed design and layout has ensured that the proposed two-storey dwelling house will respect the character of and relationship to neighbouring residential properties while being in accord with the appearance of the area. In terms of significance upon the heritage assets within the area, it is considered that the effect will be low. The development will therefore reflect and satisfy the concerns raised within the recent appeal decision.

Residential Amenity

- 6.20 The proposed dwelling will be located to the north-east of the applicant's property at no.28 Ashlyns Road and therefore the its rear elevation will face the applicant's rear garden area. However, due to the presence of the existing double garage, the orientation of the property and the degree of separation any views from the first floor bedroom windows serving the proposed dwelling would be out over the rearmost part of the garden serving the applicant's property. As a result the most private part of the no.28's garden, which is located directly adjacent to the dwelling, will retain its privacy.
- 6.21 The side facing flank of no.28 has several windows and an entrance door. However, these windows are secondary in nature and the dwelling would be sited 14m from this elevation and to the north-east. Consequently any harm caused in respect of loss of light/outlook would be minimal.
- 6.22 To the north no. 1 Upper Second Avenue retains a significant gap of on average 10m to the proposed dwelling. Therefore whilst it has two first floor windows facing the site, due to the distances involved any impact upon these windows in terms of light received and outlook would be minimal. In addition there are no windows proposed on the northern flank of the proposed dwelling ensuring that the current levels of privacy enjoyed by the residents at no.1 are retained.

Highway Safety

- 6.23 Essex County Council Highways has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- There shall be no discharge of surface water onto the highway.
- The proposed vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- Any single garages should have a minimum internal measurement of 7m x 3m

6.24 The majority of these requirements are reflected on the submitted plans. The surface materials and drainage of the access will be secured via condition.

6.25 The submitted layout plan shows that the proposed property would be served by two parking spaces in accordance with the current parking standards. The existing dwelling at no. 28 would retain sufficient parking within the existing driveway.

Trees/Landscaping

6.26 The Council's Tree and Landscaping Officer has identified that the site is largely laid to grass and does not contain any significant trees or vegetation. It is noted that the frontage boundary hedge will be retained aside for a small section for the vehicular access. There is an opportunity for some additional tree planting to the front of the dwelling and the details of this along with the proposed surface materials for the driveway will be secured through the submission of a hard and soft landscaping scheme.

Conclusion

6.27 Officers are therefore satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the development and the setting of the Frinton-on-Sea Conservation Area and Avenue Area of Special Character is suitably preserved. The application is therefore recommended for approval subject to conditions.

Background Papers

None