

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	14/06/2018
Planning Development Manager authorisation:	SCE	15.06.18
Admin checks / despatch completed	PW	15/6/18

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Application: 18/00562/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Goring

Address: First Floor Flat 62 Connaught Avenue Frinton On Sea

Development: Proposed rear first floor balcony.

1. Town / Parish Council

Frinton & Walton Town
Council

see document dated 27.04.18

2. Consultation Responses

3. Planning History

18/00562/FUL Proposed rear first floor balcony. Current

4. Relevant Policies / Government Guidance

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

EN17 Conservation Areas

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

SPL3 Sustainable Design

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The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is First Floor Flat, 62 Connaught Avenue, Frinton on Sea. The site comprises of a shop unit to the ground floor and two residential flats to the first and second floors. The application site is located within Frinton and Walton Conservation Area and Town Centre Boundary of Frinton on Sea.

Proposal

The application seeks planning permission for the erection of a rear first floor balcony serving the existing flat with the existing rear window being removed and replaced with French doors to open out onto the balcony. The proposed balcony will measure 8.5 metres in width on the northern elevation, 5.9 metres in width on the southern elevation with the height of the balcony measure 1.1 metres.

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and the heritage impact.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed balcony will be situated to the rear of the application site however there will be views of the balcony from the south of Connaught Avenue due to the application site being situated on a corner plot of Connaught Avenue and Harold Grove. The proposed balcony extends the whole width of the ground floor of the existing shop and will be supported by the ground floor structure. Given the location of the flat at the end of the row with the open space beyond the proposed balcony will be highly visible. However, given the character of the area, the development will not appear harmful within the street scene due to there being a mix of surrounding development.

Impact upon neighbouring amenities

The proposed balcony will be visible to the neighbouring flats to the north and as a result a condition has been imposed to erect an obscure 1.7 metre high screen to reduce any impact of overlooking onto neighbouring amenities.

Views towards to the frontages of the dwellings, number 20 and 21 Harold Grove, will be possible from the balcony. However, a good distance is retained between these dwellings and views will only be toward to the front gardens and therefore not considered significantly harmful to residential amenities.

Heritage Impact

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The site lies within the Frinton-on-Sea Conservation Area. A Heritage Statement has been submitted with this application.

It is considered that due to the proposed balcony being to the rear of the application site, it is not considered to be harmful to the character or appearance of the Conservation Area. This is due to there being no defined or uniformed character and as a result the proposal is considered to be a minor addition.

Other Considerations

Frinton and Walton Town Council recommend the application for approval.

No letters of representation have been received.

Conclusion

Having taken all of the considerations into account, it is considered that there is not significant material harm as a result of the development and therefore the application is recommended for approval.

6. **Recommendation**

Approval - Full

7. **Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.20 and Drawing No.21

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the first use of the approved balcony, a proposed 1.7m high obscure glazing screen to the north eastern side of the balcony shall be installed and retained in its approved form thereafter.

Reason - To preserve the privacy of neighbouring residents.

8. 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.

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