

DELEGATED DECISION OFFICER REPORT

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

Application: 18/00682/FUL **Town / Parish:** Frinton & Walton Town Council *RW*

Applicant: Mr S Watcham

Address: 75 Clays Road Walton On The Naze Essex

Development: Erection of bungalow (to the rear of existing dwelling) and erection of new boundary wall.

1. Town / Parish Council

Frinton & Walton Town Council Refusal – encroaching open space.

ORIGINAL COMMENTS

Frinton & Walton Town Council Refusal – encroachment of open space and loss of privacy to neighbouring properties.

AMENDED COMMENTS

2. Consultation Responses

Tree & Landscape Officer In terms of the proposed soft landscaping the information provided is sufficient and will help to both screen and enhance the appearance of the proposed development.

ECC Highways Dept See documents dated 6th June 2018.

Building Control and Access Officer No comments at this stage.

3. Planning History

None.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 relates to 75 Clays Road a north facing detached bungalow on a corner plot on the eastern side of Clays Road within the Settlement Development Boundary of Walton-on-the-Naze.

The existing property fronts onto a small cul-de-sac section off the main road, with its rear private garden being enclosed by a curved brick wall adjacent to, but set back from Clays Road. Its rear

boundary is enclosed by a close boarded fence along the shared boundary with number 77, a 2 storey west facing dwelling fronting Clays Road.

To the north of the site are predominantly bungalows with a mix of bungalows and 2 storey properties to the south. There is an overall consistency of open frontages and the planning history shows the estate is subject to an 'open plan' condition.

Description of Proposal

The application seeks full planning permission for the division of the site and the erection of a 2 bedroom detached bungalow to the rear.

The application has been amended to improve the layout, scale and landscaping associated with the development and includes a replacement curved brick wall to number 75 that requires planning permission due to the open plan condition on the original consent and its location adjacent to the highway.

The new dwelling will be served by an integral garage and parking space in front and be finished in buff brick with brown roof tiles. The garage and parking serving the donor dwelling is to remain.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Layout, Design & Appearance;
- Residential Amenity;
- Highway Safety and Parking;
- Landscaping, and;
- Other Considerations.

Principle of Development

The site lies within the Settlement Boundary for Frinton, as outlined in the saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan Publication Draft (2017). The principle of residential development is therefore acceptable. Neither can there be any objection in principle to the erection of a detached bungalow in terms of the character of the locality.

Rather, the acceptability of what is proposed depends upon the impact having regard to the character of the area, amenity and environmental considerations and the various detailed requirements of local plan policies, standards and guidance designed to ensure that new development relates satisfactorily to its surroundings, without harming amenity or raising highway concerns.

Layout, Design and Appearance

The application seeks to erect a modest 2 bedroom bungalow within the existing rear and side garden area serving number 75 Clays Road. The dwelling is currently enclosed to its side boundary with a 1.8 metre high curved wall that projects from the rear elevation round to the side elevation of number 77. The boundary wall retains a set back from the highway of approximately 7.5 metres. The proposed boundary wall will extend out from the side of number 75 in line with the front elevation, following the curve in the road and retain a setback of 5 metres from the highway. The proposed dwelling will sit behind the boundary wall retaining over 6 metres to the highway reducing to 4 metres due to the curve in the road.

There is a mixture of bungalows and 2 storey dwellings in the immediate locality with an obvious staggered street arrangement with some properties to the south being only 2 metres back from the highway. The proposed brick wall, siting of the proposed dwelling and existing siting of number 77 create a staggered appearance in keeping with the street scene. The development will retain an ample set back from the highway retaining the open and spacious character of this prominent corner plot, further softened by extensive landscaping. The dwelling retains at least 1 metre to the majority of the side and rear boundaries reducing to 0.5 metres along a small section of the shared boundary with number 75 and overall will not appear cramped within its plot.

The design of the dwelling has been amended and now proposes a hipped roof arrangement reducing the overall bulk of the dwelling and minimising the views of the property within the street scene. When viewed from the north the property will be set behind the new boundary wall and screened by landscaping. Both existing and proposed planting will screen and soften the appearance of the dwelling within the street scene when viewed from the south. Although the dwelling is to the rear of number 75 which is finished in red brick, it is orientated to appear more associated with number 77 fronting the main part of Clays Road. The dwelling is to be finished in buff brick and brown roof tiles in keeping with number 77 which is considered the most appropriate use of materials given its relationship with number 77.

Overall the layout, design, appearance and materials of the proposed dwelling and new boundary wall are considered acceptable and will sit comfortably within the street scene without resulting in any significant harm to the character of the area.

Residential Amenity

The proposed dwelling is single storey and comprises a fully hipped section to the front 4.9 metres in height and a rear pitched roof section 4.6 metres in height, with an eaves height of 2.4 metres throughout. The dwelling retains at least 1 metre to the majority of the side and rear boundaries reducing to 0.5 metres along the shared boundary with number 75 adjacent to the integral garage of the new dwelling and will not appear cramped within its plot. The low eaves and ridge height will result in no material loss of light, outlook or privacy to the neighbouring or donor dwelling.

There is a roof light to the rear south facing roof plane but due to its height and position will not allow for any views into the garden of number 77. The entrance door to the new dwelling is located to the southern side elevation. However, the facing flank of number 77 has no side windows and any noise and disturbance from comings and goings will be very minimal and not harmful.

Number 73 is to the east of the site and shares a side boundary with the garden of number 75. This boundary will form the rear boundary of the new dwelling therefore having a neutral impact in terms of noise and disturbance from the use of the outside space. Furthermore, due to the distance from the rear elevation of the new dwelling to the garden and windows of number 73 there will be no loss of light or outlook, or privacy.

The new dwelling is provided with 100 square metres of private amenity space and the repositioning of the boundary wall allows for 134 square metres of garden space to be provided for the donor dwelling, both being in excess of that required by policy HG9 standards.

Highway safety and Parking

The proposed dwelling will be served by a new access off Clays Road leading to an integral garage with a parking space to the front. Current parking standards require 2 parking spaces for a dwelling of 2 or more bedrooms of which the development complies. The access allows for appropriate pedestrian and vehicular visibility splays and does not raise any highway safety concerns. The additional traffic movements from one dwelling on this non classified road will not result in any significant impact on the highway. Essex County Council Highway Authority raise no objection to the proposed development subject to conditions which will be imposed where relevant and reasonable. The parking for the donor dwelling will not be affected by the works.

Landscaping

The development will result in the current 7.5 metre set back from the highway being reduced to between 4 to 6 metres. In order to soften the impact of the loss of some of the open space on this prominent corner plot, ample soft landscaping is proposed that will both screen and enhance the appearance of the proposed development. This will be secured by condition.

Other Considerations

Frinton and Walton Town Council recommend refusal for the following reasons;

- Encroachment of open space.
- Loss of privacy to neighbouring properties.

5 individual letters of objection have been received. The concerns raised can be summarised as follows;

- Spoil outlook and views.
- Overlooking and loss of privacy.
- Garden of 75 will be too small.

The garden sizes for both the new and donor dwelling exceed minimum standards. The impact on neighbouring amenities has been addressed in the main report above. Loss of view is not a material planning consideration.

- Loss of pleasant green space.
- Overdevelopment and cramped.
- Out of keeping, style, setting and appearance.
- Inappropriate in the conservation area.
- Forward of the building line.

The site is not within the Frinton and Walton Conservation Area. The impact of the development on the street scene and character and appearance of the area have been addressed in the main report above. The proposed landscaping will soften and enhance the development.

- Result in more traffic, noise and dirt.
- Create problems with parking.

Highways considerations and parking are addressed in the main report above and does not raise any highway concerns.

- Set a harmful precedent.

Every development is considered on its own merits at the time of the application. This is not considered to set a harmful precedent as no harm will result and there are no directly comparable sites within the vicinity.

- No need for new housing in this area.

The site represents a sustainable windfall site within the development boundary and is acceptable in principle.

- Noise and disturbance from building works.

This is an inevitable part of the development process, is for a temporary period and cannot constitute a reason for refusal. A condition will be imposed to ensure that building works are not carried out during unsociable hours.

- Interfere with electricity and water supply.

The development is for a single dwelling and therefore constitutes a minor development where consultation with electricity and water authorities is not a statutory requirement.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 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. 6 revision A, drawing no. 5 revision A, drawing no. 8 revision B, drawing no. 9 revision B and drawing no. 12 revision A.

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

- 3 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300 hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping drawing no. 12 revision A shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the approved landscaping scheme is suitably implemented within an appropriate timescale.

- 5 The development hereby approved shall be carried out in accordance with the materials details shown on approved drawing no. 8 revision B unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of visual amenity and the character of the area.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwelling hereby approved.

Reason - To retain the open character of the locality in the interests of visual amenity.

- 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, additional windows or other openings shall be inserted in the roof of the dwelling hereby permitted except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and residential amenities.

- 8 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, D and E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations, porch additions or outbuildings shall be erected except in accordance with

details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual and neighbouring amenities and to ensure that sufficient private amenity space is retained for the approved dwelling.

- 9 The vehicular access as shown on planning drawing no. 6 revision A 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 be 3.6m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.

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

- 10 Prior to the occupation of the dwelling hereby approved, the provision of the garage and on-site vehicular parking space shall be provided in accordance with current parking standards. The garage and parking space shall be retained in this approved form for the parking of vehicles associated with the dwelling unless otherwise agreed in writing by the local planning authority.

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

- 11 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent and Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team by post at Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ, or emailed to development.management@essexhighways.org