

T
E

Ref: IC/2897
VIA PLANNING PORTAL

14th November, 2023

Head of Planning
Tendring District Council

Dear Sir/Madam,

CHANGE OF USE OF EXISTING ANNEXE TO SELF-CONTAINED TWO-BEDROOM DWELLING TOGETHER WITH EXTERNAL ALTERATIONS ON LAND AT 21 SECOND AVENUE, FRINTON-ON-SEA, FRINTON, ESSEX CO13 9ER

JOINT PLANNING (DAS) AND HERITAGE STATEMENT

Introduction

We are instructed by our clients, Mr and Mrs Robinson, to submit an application for the change of use of the existing annexe at no. 21 Second Avenue, Frinton to a self-contained dwelling.

The property at 21 Second Avenue lies on the western side of the road within defined settlement limits.

It is a short distance up from the coast and close to the town centre: the significant curtilage (0.5 hectares) associated with the property backs onto the golf course.

The site also falls within the Frinton and Walton Conservation Area.

The host property is a detached structure facing the road in accordance with the established building line.

It has a vehicular access on its southern side and a pre-existing garage/ annexe within the rear garden.

We will shortly introduce the relevant planning history and confirm that the garage/ annexe is a two-storey structure located adjoining the rear boundary of no. 17 Second Avenue, the neighbouring property on the southern side.

The structure currently provides garage accommodation at ground floor level, some of which is enclosed and some of which is open together with a central entrance and hallway leading up via a set of internal stairs to two rooms within the upper level roof space.

There is one room either side of the central hallway.

The property is being used as an annexe and accommodates an elderly dependant relative of the applicants so the functional relationship with the main house exists pursuant to the ancillary status of the building.

The application proposal is to seek a change of use from a residentially incidental building (serving no. 21 as the principal dwelling) to a self-contained dwelling.

The application building will utilise the pre-existing access and this will be shared by the host property and consequently for this limited extent the planning units for the change of use dwelling and the host property will overlap. We clarify that two planning units will be created on the site as defined by the plans.

Via external changes, namely the introduction of French doors at ground floor level the proposal will retain the two integral garage spaces and provide a ground floor living space namely a joint kitchen/dining and lounge area.

The two bedrooms will be provided at first floor level via the existing hallway.

In addition the current utility room at ground floor will be utilised as a shower room and each bedroom at first floor level will be provided with an en-suite facility.

A boundary fence/hedge will be erected between the two properties and the newly created property will have a rear garden defined by the new fence and reflecting the newly created planning unit as shown on the proposed location plan.

This confirms that the rear garden area will effectively be divided into two with an amenity area of 1,308 square metres to be attributed to the new property.

Planning history

In respect of relevant planning history the statutory planning register records the following entries:

Erection of detached garage building without complying with Condition 3 imposed upon planning permission 10/00321/FUL.

21 Second Avenue Frinton On Sea Essex CO13 9ER

Ref. No: 10/00836/LUPROP | Received: Wed 21 Jul 2010 | Validated: Wed 21 Jul 2010 | Status: Decided

Erection of three storey side extension to dwelling, insertion of new dormer window and erection of detached garage building as amended by drawing No. RSA-101 received on 26th April 2010.

21 Second Avenue Frinton On Sea Essex CO13 9ER

Ref. No: 10/00321/FUL | Received: Fri 19 Mar 2010 | Validated: Fri 19 Mar 2010 | Status: Decided

Erection of three storey side extension to dwelling, insertion of rear dormer window and erection of detached garage building with playroom/study and w.c. within roof space, as amended by

drawing no RSA-02 and indicative street elevation received on 25/08/09.

21 Second Avenue Frinton On Sea Essex CO13 9ER

Ref. No: 09/00656/FUL | Received: Thu 02 Jul 2009 | Validated: Tue 21 Jul 2009 | Status: Decided

2 No. conifers - fell

21 Second Avenue Frinton On Sea Essex CO13 9ER

Ref. No: 07/00844/TCA | Received: Thu 17 May 2007 | Validated: Thu 17 May 2007 | Status: Decided

In respect of the most relevant of these entries we note that on 15th September, 2009 and pursuant to 09/00656/FUL planning permission was granted for development described as follows:

Erection of three storey side extension to dwelling, insertion of rear dormer window and erection of detached garage building with playroom/study and w.c. within roof space, as amended by drawing no RSA-02 and indicative street elevation received on 25/08/09

This reflects the garage in its current form.

The next iteration was that pursuant to 10/00321/FUL for a similar description of development.

Planning permission was granted on 14th May, 2010 but this was effectively a split decision with condition 03 confirming that the erection of the detached garage building (in the form as proposed via that application) was not approved as part of this subsequent planning permission.

We clarify that this garage was a different design to that which was approved under the terms of 09/00656/FUL [and for the sake of completeness a subsequent application to seek to deleted condition 03 was refused on 15th November 2010 pursuant to 10/00836/LUPROP].

In short, therefore, the garage which is the subject of this application was approved under the terms of 09/00656/FUL.

As the garage has been implemented the three-storey side extension as approved under the terms of 09/00656/FUL is alive in perpetuity.

Also a material start has been made to 10/00321/FUL and so both this and 09/00656/FUL are alive in perpetuity.

Consequently these extension proposals are notated on the application plans as confirming the ability to erect a three-storey side extension of whatever approved form.

In addition to this we note that the applicants undertook a paid pre-application advice request of the local planning authority in terms of the current application scheme: the response in relation to which was received on 27th June, 2022 pursuant to 22/30101/PREAPP.

The letter header described the advice sought as follows:

PROPOSED CONVERSION OF GARAGE COMPLEX TO CREATE NEW SELF-CONTAINED DETACHED HOUSE

The key elements of the advice offered are as follows:

The structure of the existing garage is set back from Second Avenue, immediately behind the property of 17 Second Avenue and is not visible from Second Avenue. The existing garage would require little to no alteration externally to convert it into a dwelling. The garage structure was previously approved via a planning application for use ancillary to that of the main dwelling of Hermitage, 21 Second Avenue. A parking area in front of the existing garage already exists. The current site would be divided by segregating the existing southernmost vehicle access with entrance gates from that of 21 Second Avenue.

The area of the Avenues is characterised by detached houses facing the main road and set in spacious gardens with designed frontages and low boundary treatments allowing for views into landscaped front garden plots. A new dwelling within the rear garden of an existing property and with no principal elevation and garden facing Second Avenue would therefore not be considered to be in keeping with the character and appearance of the Conservation Area.

The proposal for a separate dwelling would also involve the introduction of adequate amenity space, new boundary treatment, parking facilities, etc. which will potentially clutter the existing gap between no21 and no17, allowing view of the rear garden, a feature which generally characterised properties in the area known as The Avenues.

We come to address these three points within this submission and we note that the first sentence of the “conclusion” section stated that, in the officer’s opinion, the proposal was likely to receive a recommendation of refusal.

Planning policy

In respect of the Development Plan this comprises the Tendring District Local Plan with a Plan period from 2013-2033 and beyond where Section 1 was adopted in January 2021.

This comprises the joint strategic plan prepared in conjunction with Colchester and Braintree authorities.

Section 2 in respect of local planning policies was published in January 2022 as the part 2 version of the Plan.

Policy SP1 sets out the presumption in favour of sustainable development and so echoes the provisions of the Framework.

Policy SP3 sets out the “spatial strategy for North Essex” and confirms, in part, as follows:

Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements

according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area

Policy SP4 is entitled “Meeting Housing Needs” and Tendring has a yearly requirement of 550 new homes and a total minimum housing requirement for the plan period of 11,000 new dwellings.

In respect of the Part 2 policy context, policy SPL1 is entitled “Managing Growth” and sets out a settlement hierarchy within which Frinton is defined as a smaller urban settlement.

Policy SPL2 is entitled “Settlement Development Boundaries” and states, in part, as follows:

Within the Settlement Development

Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Policy LP8 is entitled “Backland Residential Development” and reads in totality as follows:

Policy LP 8

BACKLAND RESIDENTIAL DEVELOPMENT

Proposals for the residential development of “backland” sites must comply with the following criteria:

- a. where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;
- b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted
- c. the proposal must avoid “tandem” development using a shared access;
- d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

This Policy contributes towards achieving Objective 1 of this Local Plan.

We return to the extent to which this policy is strictly relevant having regard to the fact that the building which is the subject of the change of use is already in place (as opposed to a completely new structure for residential being proposed, which vis the scenario that LLP8 is largely in place to address).

In respect of the heritage context Table D1 lists the local planning authority's conservation areas and confirms that the Frinton and Walton Conservation Area was designated in 1982 and extended in 1989.

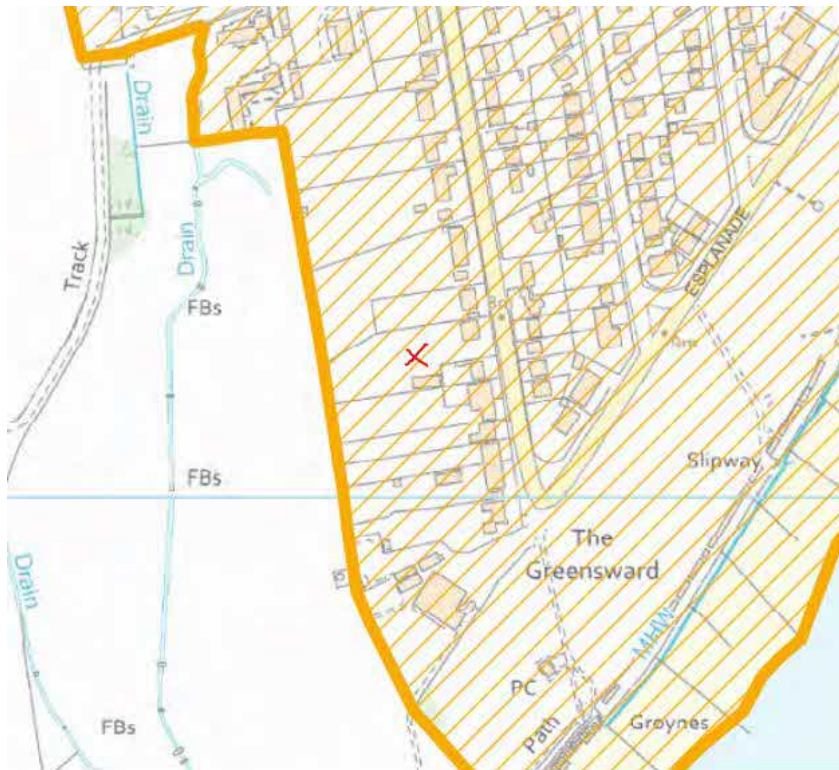
The conservation area

We have also had regard to the Frinton and Walton Character Appraisal and Management Plan as published in July 2022 as prepared by Place Services on behalf of the local planning authority.

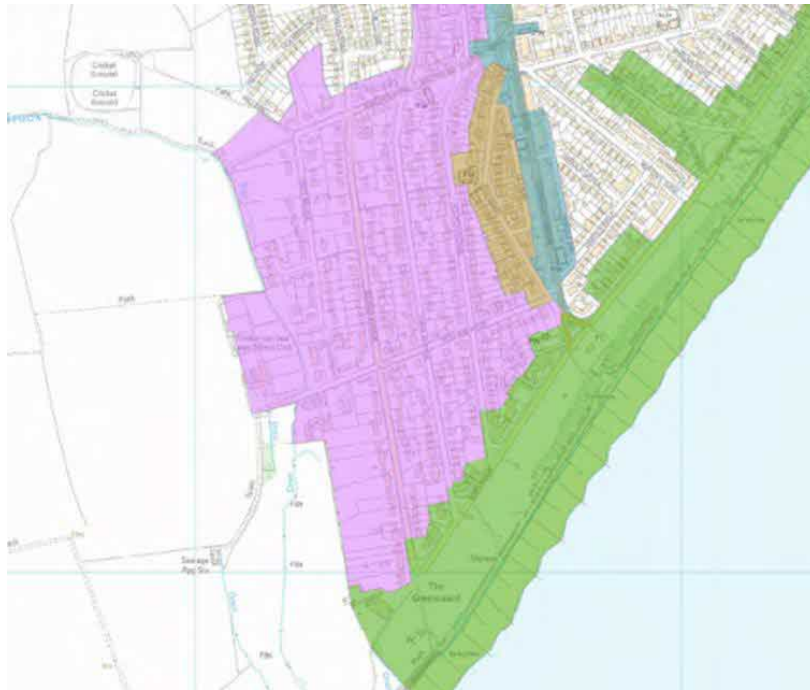
Figure 2 confirms the extent of the conservation area as covering part of Frinton to include the town centre and, as acknowledged, the application site as being part of Second Avenue.

The conservation area stretches along the coast to Walton-on-the-Naze.

An extract from the larger scale plan taken from Table 19 to show the application site and building within the context of the conservation area designation is below (our addition of the red cross):



In terms of the conservation area character assessment the application site lies within Designated Character Area 1 described as "The Avenues" as per the extract below:



The associated summary of this character area reads as follows:

Summary of character area

This character area comprises the linear streets introduced to the fashionable seaside resort of Frinton from the late nineteenth century onwards. The villas are varied and are good examples of English domestic architecture, dating predominantly from the foundation of the resort in the 1890's to its heyday in the 1930's. Some of the finest houses are found on Second Avenue. There is one listed building in this area:

- C F A Voysey's Homestead, Grade II * listed (list entry: 1111531)

The area is also covered by Policy PPL 11 in the Local Plan (2022).

The houses found within this character area are detached, with varied massing and a wealth of attractive details in high quality building materials. They are set in spacious gardens with designed frontages; boundary walls are frequently made of 'crazy' brick style, a technique using brick kiln rubble, and are often surmounted by hedges. Mature street trees line the avenues, contributing to the verdant, residential character of the area, and low boundary treatments allow for views into landscaped front garden plots

Specifically in respect of Second Avenue the assessment reads as follows:

To the east, the Second Avenue is the first to span the full length from Esplanade to Ashlyn's Road. It is a grand street, with wide grass verges, street trees, and strong boundary treatments which separate

the pavement from large plots within which are a range of detached housing. Front gardens are often visible from the street, and contain mature planting and hedgerows, which contribute to the verdant character of the street. The grand residential buildings along the street appear isolated within green spaces, the rooflines interspersed by trees and sky. At the midpoint of the road, on the junction with Holland Road, is the only listed building within the area; the grade II* listed Charles Francis Annesley Voysey's homestead, constructed in 1905-6. It is a two-storey building in rough rendered brick, with a green slate roof and offset chimney turret. The building is set behind a low stone wall with substantial shrub border planting and dispersed garden trees.

We note that no. 21 does not appear in the table of contributions made by key un-listed buildings.

In respect of historical imagery the street is starting to develop in 1892-1944 as follows:



The next iteration is shown on the 1919-1930 image as follows and we note that the eastern side of the road was less developed at this point:



Assessment

We start with the principle of development and confirm that this was not in contention with the local planning authority at pre-application advice stage and the advice in respect of this matter read as follows:

Principle of Development

The proposal involves converting the existing garage complex associated with the use of Hermitage at 21 Second Avenue, Frinton on Sea to a self-contained detached dwelling. The site is located within the Settlement Development Boundary, as defined in the Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2, therefore the principle is acceptable subject to the detailed considerations below.

In respect of built form, very little is proposed for the reasons which have been described.

As previously noted, the open bays at ground floor level will be replaced with glazing to facilitate the habitable use of the ground floor of the pre-existing annex structure.

In addition the windows at first floor level will be the subject of modest interventions to avoid overlooking of the garden and amenity area associated with no. 21.

On the basis that the structure is barely visible from the public domain these changes will not be perceived.

At this stage we note that an appropriate form of boundary treatment will be provided in order to separate the two curtilages (namely that to be created and the residual curtilage left for no. 21) which would address any issues of overlooking.

We now address the main issues as raised at pre-application stage and in doing so this comprises the main focus of our heritage statement as presented as part and parcel of this joint planning and heritage statement.

We are also mindful that Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas.

The key points raised by the local planning authority and our responses are as follows, with the bold text being taken from the pre application reply:

The proposal site is a well-preserved Edwardian dwelling which makes a positive contribution to the historic character of Second Avenue and is of aesthetic and architectural interest within the Frinton and Walton Conservation Area. Second Avenue is a grand street, with wide grass verges, street trees, and strong boundary treatments which separate the pavement from large plots within which are a range of detached housing. Front gardens are often visible from the street, and contain mature planting and hedgerows, which contribute to the verdant character of the street.

The structure of the existing garage is set back from Second Avenue, immediately behind the property of 17 Second Avenue and is not visible from Second Avenue. The existing garage would require little to no alteration externally to convert it into a dwelling. The garage structure was previously approved via a planning application for use ancillary to that of the main dwelling of Hermitage, 21 Second Avenue. A parking area in front of the existing garage already exists. The current site would be divided by segregating the existing southernmost vehicle access with entrance gates from that of 21 Second Avenue.

This is all noted and largely agreed.

The local planning authority acknowledge that the structure is set back from the road and is not visible from Second Avenue.

The local planning authority also acknowledge that the building would require little alteration to be converted to a separate residential development: this is the case for the reasons previously outlined.

The local planning authority then goes on to state:

The area of the Avenues is characterised by detached houses facing the main road and set in spacious gardens with designed frontages and low boundary treatments allowing for views into landscaped front garden plots. A new dwelling within the rear garden of an existing property and with no principal elevation and garden facing Second Avenue would therefore not be considered to be in keeping with the character and appearance of the Conservation Area.

The proposal for a separate dwelling would also involve the introduction of adequate amenity space, new boundary treatment, parking facilities, etc. which will potentially clutter the existing gap between no21 and no17, allowing view of the rear garden, a feature which generally characterised properties in the area known as The Avenues.

The structure already exists and so the impact of the built form cannot be the issue.

The property would have no principal elevation to the street but it is not clear as to why this would mean that the proposal would not be in keeping with the character and appearance of the conservation area.

For the most part it will not be visible from the public domain and the circumstances of this case are that the structure is already in place and is being used.

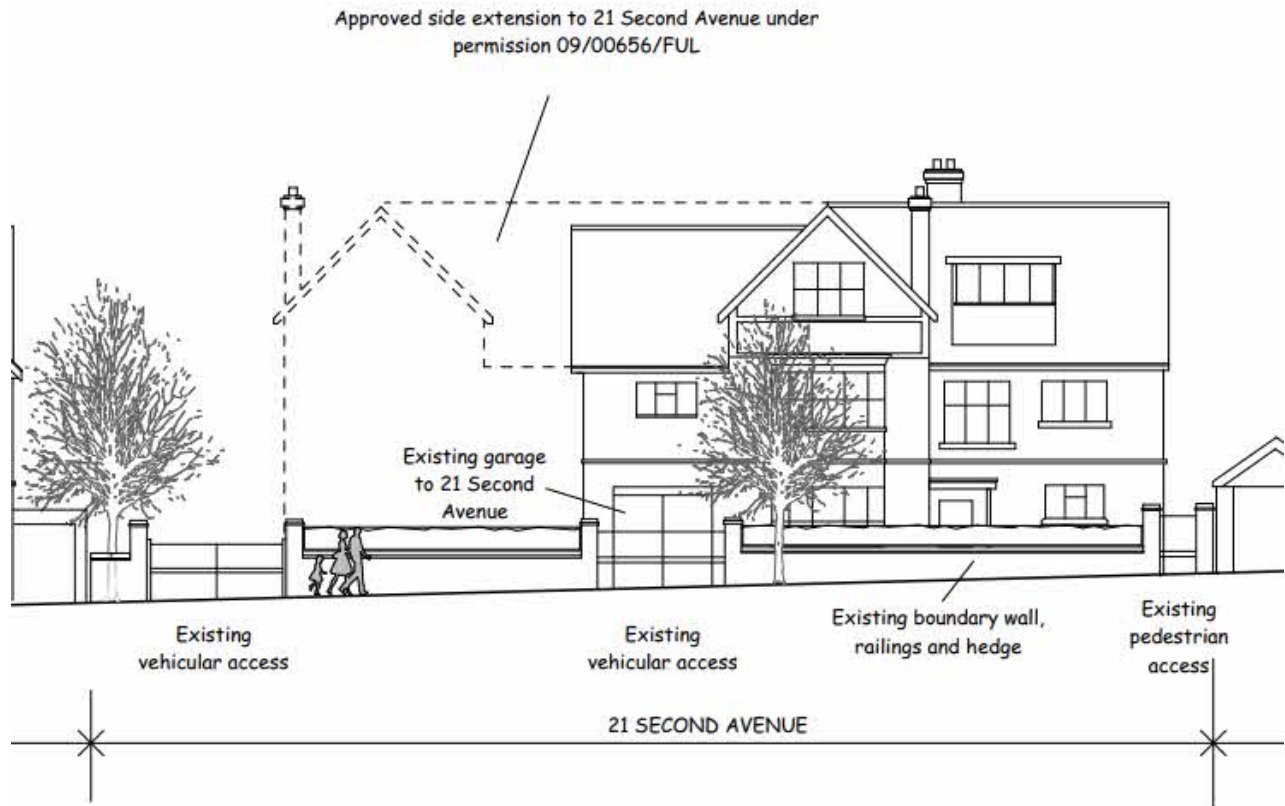
In terms of the identification of harm, the local planning authority's pre-application response refers to the introduction of amenity space, new boundary treatment and parking which would "potentially clutter the gap between no. 21 and no. 17".

In response we make the following points.

The first is that the extant planning permission has a much greater impact on the gap between the two properties.

We have set out the planning history referring to the 2009 and 2010 permissions which by virtue of a material start are not time expired.

The fact is that these extension proposals were approved and this extant scheme would enable a decent gap to exist between nos. 21 and 17: this would appear visually as per the extract below.



The cars associated with the new property would be shielded from view (as they are currently).

The cars associated with no. 21 may be visible at the side of the property, however, this is currently the case and so there would be no material difference.

In addition to this we make the point that cars and other types of vehicles are an integral part of a conservation area and it is noted that this character area is recognised as being predominantly residential and this is unquestionably the case.

There can be no issue with the amenity space.

The pre-existing garden associated with no. 21 is so large that even when subdivided the site still provides 1,308 square metres for the new property and 2,557 square metres retained for no. 21.

The garden to the new property is so set back from public views and over twice of the size of that currently provided for nos. 15 and 17 that the use of the land for domestic purposes cannot be seen to impact upon the character and appearance of the conservation area.

We have covered the issue of the boundary fence and clearly this is important to separate the two curtilages, however, again this is set well back from the public domain.

More importantly fences and other means of enclosure are a common characteristic of a predominantly residential conservation area and in most cases can be erected without the need for planning permission.

In terms of the impact upon the character and appearance of the conservation area as comprising the relevant heritage asset, the proposal will make a neutral to modestly positive contribution.

The built form is already in place and the changes to it are modest.

It is argued that very little, if any, is visible from the public domain and cars are already parked in this area. There will be additional activity associated with the new residential property but the site is within settlement limits within a sustainable location and as previously acknowledged the conservation area appraisal at Character Area 1 acknowledge that this is a predominantly residential area.

In addition the land associated with no. 21 is significant such that a new curtilage can be created without creating any potential for overcrowding or clutter.

Particularly large curtilages is a key characteristic of all properties to the southern side of Second Avenue beyond the junction of Holland Road: the spatial characteristics of this part of the conservation area will be unaffected.

If our conclusions as to a neutral to modestly positive upon the character and appearance of the conservation area.

The positive impacts arise from the contribution made to reinforcing the established residential character of the area and the design changes to the current structure.

If, in spite of the comments above, less than substantial harm is shown to arise then in accordance with paragraph 202 of the NPPF public benefits need to be shown.

The additional unit created will place a new unit on the open market and so will make a contribution towards the housing figures conferred upon the local planning authority.

It is most likely that no. 21 will be freed up as the applicants will downsize into the application property, however, whatever personal decision is made a new decent size unit will be created.

Moreover the future residents will also make their own contribution in terms of sustaining local shops and services.

By way of overall conclusion with the property already in place it is difficult to see the extent to which any changes will be perceived.

The conservation area is focused upon the provision of a residential environment and the net additional one new unit will have very little impact within this context.

We conclude by addressing policy LP8 entitled "BACKLAND RESIDENTIAL DEVELOPMENT".

In respect of criterion (a) the development would result in a net loss of private amenity space however no. 21 will still have a significant rear garden.

In respect (b) a safe and convenient means of access and pedestrian access/egress already exists and this will be no different. There is already a long driveway in place to connect the road to the existing annexe/ garage.

In terms of criterion (c) this is not tandem development utilising a shared access.

In respect of criterion (d) the newly created planning unit will not comprise an awkwardly shaped or fragmented parcel of land and, indeed, still provides a large garden as quantified.

In respect of (e) this is not relevant as the site will not produce hard urban edges as the building is already there.

In respect of (f) each application is judged on its merits and as the building is already in place we cannot see that there can be any issue of precedent.

The application therefore accords with the material provisions of the Development Plan and the sustainability credentials of the Framework.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

Collins & Coward
encs