

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	26/09/2018
Planning Development Manager authorisation:	SCE	27-09-18
Admin checks / despatch completed	<i>[Signature]</i>	28/09/18 <i>[Signature]</i>

Application: 18/01367/FUL **Town / Parish:** Great Oakley Parish Council

Applicant: Mr Norman Hayes

Address: 14 Woodlands Great Oakley Harwich

Development: Demolition of existing rear conservatory and construction of new rear extension. Conversion of existing garage to room.

1. Town / Parish Council

Great Oakley Parish Council No Comments received

2. Consultation Responses

Not Applicable

3. Planning History

18/01367/FUL Demolition of existing rear conservatory and construction of new rear extension. Conversion of existing garage to room. Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018
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
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
HG9 Private Amenity Space

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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)

Application Site

The application site comprises of a north facing detached dwelling known as "14 Woodlands." The dwelling is set back on its plot with an integral garage. Sited to the front is an existing access and driveway area. The dwelling has an existing rear conservatory and fencing sited along each neighbouring boundary.

Proposal

This application seeks permission for the erection of a rear extension and conversion of the existing garage.

Whilst the garage conversion would not normally require planning permission a condition was imposed upon the original consent of the dwelling which removed its right to convert the garage without planning permission. Details of the condition and how the proposal relates to the condition are considered in the below report.

Assessment

Design and Appearance

The proposed extension will be sited to the rear and not publicly visible.

The conversion of the garage will involve the replacement of the garage door with brick and window detailing to match the host dwelling. These alterations will be sited to the front and therefore publicly visible.

Whilst the existing garage projects forward of the existing house it is still 7m back from the front boundary of the site. This set back from the front of the site as well as use of materials which are consistent with the existing house will prevent the alterations to the garage from appearing prominently within the streetscene minimising its impact to the existing dwellings and areas appearance or character.

The proposed extension and garage conversion are of a size and design which are appropriate to the existing house and will be constructed from materials which match the host dwelling.

The site is of a large enough size to accommodate a proposal of this size and still retain sufficient private amenity space.

Permitted Development Rights and Highway Safety

Whilst the garage conversion would not normally require planning permission a condition was imposed upon the original consent of the dwelling which removed its right to convert the garage without planning permission.

Condition 06 on Planning Permission 1243/86 for the "Erection of 14 detached dwellings and garages thereto" states

"Notwithstanding the provisions of Article 3 of the Town and County Planning General Development Order 1977 as amended, there shall be no alternative use of an integral garage without planning permission having first being granted on an application in that behalf.

To ensure adequate vehicle parking facilities are retained on site. "

The Essex County Council Parking Standards states that where a property comprises of two or more bedrooms that a minimum of two parking spaces shall be provided measuring 5.5m by 2.9m per space.

The proposed conversion of the garage will result in a loss of a parking space however there is an area of driveway sited to the front which is of a large enough size to facilitate the parking of two vehicles in line with the aforementioned standards.

As a result of sufficient off street parking it is considered that the proposal would not result in a detrimental harmful impact to highway safety.

Impact on Neighbours

The garage conversion will be sited to the front and due to its minor nature would not result in a loss of residential amenities to each neighbour.

The neighbouring dwelling of 16 Woodlands sited to the east of the site is positioned further back on its plot. Due to this neighbours positioning the proposal will not protrude past this adjacent dwellings rear elevation and would therefore not result in a loss of residential amenities to the openings to the rear.

This neighbouring dwelling of 16 Woodlands has an opening along its side elevation which is obscure glazed and currently screened by the host dwelling and associated conservatory. Due to existing screening and type of glazing this window already receives little light and outlook. It is therefore considered that any loss of outlook and light to this window caused by the proposal would be unreasonable grounds to justify refusing planning permission upon.

The neighbour to the east of the site "12 Woodlands" comprises of a semi-detached dwelling with outbuilding to the rear.

The proposal will result in a loss of light to this neighbour and therefore the sunlight/ daylight calculations from the Essex Design Guide have been used. The 45 degree line in elevation would not intercept this dwelling and whilst the 45 degree line in plan would encompass openings on the rear elevation of 12 Woodlands it would first be intercepted by this neighbouring sites rear outbuilding situated along the boundary. It is therefore considered that the loss of light is not so significant to justify refusing planning permission upon.

The proposal will be visible to this neighbour however as a result of screening by the neighbours existing outbuilding and fencing and distance of 2m from the neighbouring boundary would not result in a loss of outlook to this neighbour.

The proposal will have an opening to its west elevation which would face this neighbour however as this opening is at ground floor and will be screened by the existing boundary fence and neighbours outbuilding it is considered that there would not be a significant loss of privacy in this instance.

Other Considerations

Great Oakley Parish Council has not commented on the proposal.
No further comments have been received.

Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for an 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: DWG/1813/200/001 Rev A.

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

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.