

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	19/03/2019
Planning Development Manager authorisation:	SCE	19.03.19
Admin checks / despatch completed	ER	21/3/19

**Application:** 19/00169/FUL **Town / Parish:** Harwich Town Council

**Applicant:** John Moore

**Address:** 22 Vaux Avenue Dovercourt Essex

**Development:** Proposed garage conversion to living accommodation.

### 1. Town / Parish Council

Ms Lucy Ballard, Town  
Clerk Harwich Town  
Council

Harwich Town Council has no objection to this application.

### 2. Consultation Responses

Not applicable

### 3. Planning History

18/00215/OUT	Outline application for residential development of a single dwelling, including layout, with primary access off of Vaux Avenue - all other matters reserved.	Refused	10.04.2018
18/30222/PREAPP	Remove garage door, brick up and install a window to front and rear.		20.12.2018
19/00169/FUL	Proposed garage conversion to living accommodation.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
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

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

### 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies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)**

### Proposal

This application seeks permission for the conversion of the existing garage to a detached dwelling within the development boundary.

### Assessment

#### Design and Appearance

The proposal will be sited to the front and therefore publicly visible however as a result of its set back from the front of the site and the minor scale of development proposed the alterations would not appear prominently within the streetscene.

The proposal is of an appropriate scale and design to the existing dwelling and will be completed in materials which are consistent with the existing house.

#### Highway Safety

Planning permission is required in this instance as a condition restricting the use of the garage was imposed upon the original planning permission for the dwelling.

Condition 05 of planning permission TEN/1034/86 states:

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

*Reason - To ensure that adequate vehicle parking facilities are retained on the site."*

The Essex County Council Parking Standards state that where a property comprises of two or more bedrooms that a minimum of two parking spaces should be retained measuring 5.5m by 2.9m per space. Whilst the proposal will result in the loss of the existing garage there is sufficient space to the front of the property for the parking of two vehicles in line with the aforementioned standards. The proposal would therefore not result in a harmful impact in terms of highway safety.

It is noted that the proposed parking spaces shown on the block plan can be created under permitted development and would not require planning permission.

### Impact on Neighbours

The proposal comprises of a minor alteration which will be visible to neighbouring properties however will not result in any significant impact to their residential amenities in terms of loss of light, privacy or outlook.

#### Other Considerations

Harwich Town Council have no objections to the proposal.  
No letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the proposed 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: 2019017/03.

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.