

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	18/07/2019
Planning Development Manager authorisation:	TF	19/07/2019
Admin checks / despatch completed	ER SB	19/7/19 19/07/19

**Application:** 19/00763/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mr & Mrs Hammersley

**Address:** 5 Bromley Road Frating Colchester

**Development:** Proposed granny annexe.

### 1. Town / Parish Council

Frating Parish Council

### 2. Consultation Responses

N/A

### 3. Planning History

12/00722/FUL	Proposed single storey and two storey rear extension to form kitchen/diner, utility, shower/wc, bedroom/en-suite and formation of vehicular access.	Approved	24.08.2012
13/00003/FUL	Proposed single storey and two storey rear extension to form kitchen/diner, utility, shower/wc, bedroom/en suite and formation of vehicular access (variation to design approved under 12/00722/FUL).	Approved	15.02.2013
18/01708/FUL	Proposed single storey rear extension and detached garage.	Approved	12.12.2018
19/00763/FUL	Proposed granny annexe.	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

HG9 Private Amenity Space

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 is within the development boundary of Frating Green. It serves a two storey dwelling constructed of white textured render and a tiled roof. The rear garden is laid to lawn which wraps round to the south side of the property with close barding fencing on the boundaries.

### **Proposal**

This application seeks planning permission for a single storey detached annexe. The proposal will measure a maximum depth of 6m, 12m wide and will have a pitched roof with a maximum height of 4m. It will be constructed of grey hardieplank cladding and a slate roof. The annexe will be visible from Bromley Road.

## Assessment

The main considerations of this application are the design and impact upon residential amenity.

### Policy Considerations

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

### Design and Appearance

The proposed rear extension is considered to be of a scale and nature appropriate to the site and the surrounding area. The proposed annexe will be visible from the highway, but will not be overly prominent due to being set 23m back from the front boundary of the site. Although the proposed materials do not match the dwelling, nearby properties feature a variety of external finishes and colours and so the proposal will not harm the character of the area. Adequate private amenity space is retained.

The proposed development is therefore considered to be in keeping with the host dwelling and is acceptable in design terms.

### Impact on Residential Amenity

The proposed garage is sited 1.5m from the boundary with the southern neighbour, adjacent to this neighbour's detached garage. There will be no impact on this neighbour's daylight or outlook due to the single storey nature and separation from the neighbouring dwelling, and there are no proposed windows facing towards 4 Council Houses. It is important to note that there is a past planning application approved, 18/01708/FUL, for a detached garage of the exact same measurements.

### Other Considerations

Frating Parish Council have not commented on the application.  
No further letters of representation have been received.

## **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's. 5/BRF/19/1 and 5/BRF/19/1 ADD.

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

3 The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Bromley Road, Frating

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling.

**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.

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