

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	25 th Oct 2019
Planning Development Manager authorisation:	TF	28/10/2019
Admin checks / despatch completed	CC	29/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	29/10/2019

Application: 19/01326/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr J Green

Address: 1 Barnfields Clacton Road Weeley Heath

Development: Conversion of existing garage to annexe and construction of a new garage.

1. Town / Parish Council

Mrs Nicola Baker

WPC objects to this application for the following reasons. This conversion is described as an 'annex' to the main house but it is in fact a separate dwelling. Both the garage which is proposed for conversion and the proposed new garage are of significant size and represent over-development of this restricted site.

2. Consultation Responses

None received

3. Planning History

00/00861/FUL	Non-compliance with Condition 4 and variation of Condition 3 of planning consent TEN/196/90 to a building to be used solely for B1 office purposes for 1 year	Approved	11.07.2000
00/02090/FUL	Garage, garden store and bike shed stable block and hay store	Approved	25.01.2001
01/00454/FUL	Temporary use of static caravan and link corridor while improving existing living facilities (renewal of permission 99/01533/FUL)	Approved	27.04.2001
01/00969/FUL	Continued use of building for B1 office purposes without complying with Condition 2 of planning permission 00/00861/FUL	Approved	04.09.2001
02/01556/OUT	Demolition of existing buildings and erection of "2 Barn style dwellings"	Refused	29.10.2002
92/00315/FUL	Demolition of existing bungalow and erection of new bungalow	Withdrawn	09.10.1992

99/01092/FUL	Replacement dwelling and widening of existing access	Approved	14.12.1999
99/01533/FUL	Temporary use of static caravan and link corridor while improving existing living facilities	Approved	17.03.2000
08/01098/FUL	Erection of a garage extension and alterations to roof of existing dwelling.	Approved	27.10.2008
1530130/PREAPP	Erection of bungalow and garage.	Refused	23.06.2015
16/01355/FUL	New 3 bed bungalow.	Approved	18.10.2016
16/02049/TPO	T1 - Oak - reduce by 30% due to fungus growth	Approved	10.01.2017
19/01316/FUL	New 3 bed bungalow.	Current	
19/01326/FUL	Conversion of existing garage to annexe and construction of a new garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

SP1 Presumption in Favour of Sustainable Development

Local Planning Guidance

Essex Design Guide

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 (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)

Site Description

Nos 1 and 2 Barnfields are simple bungalows, whereas the application site is a large chalet bungalow which was constructed as a replacement dwelling around 2000. The application site is accessed by way of a single-width unmade road that serves 1-3. Access to the property is gated, leading to a large sweeping driveway with the dwelling occupying a commanding position at the head of the driveway. To the left hand side of the dwelling, adjacent the south boundary, is the garage approved under planning application 00/02090/FUL. The site itself has a large curtilage in the region of 1.5 hectares that spreads south and west behind the dwelling.

Description of Proposal

The application comprises two elements; the conversion of the existing garage to habitable accommodation and the construction of a new garage. In regards to the existing garage; no conditions were attached to the original permission that would prevent it being converted to accommodation ancillary to the main dwelling. A statement in support of the application has been received that says the converted building would be occupied by the daughter. Case Law exists which states that converting an existing domestic building in to accommodation that is ancillary to the main dwellinghouse (i.e. occupied by someone with a direct relationship to the main dwellinghouse) is not tantamount to a material change of use. Externally minor alterations are proposed that comprise the insertion of doors and windows. As such, the works to convert the garage are considered not to amount to operational development under Section 55 (1) and (2) (i) (ii) as it neither amounts to a material change of use or does not materially affect the external appearance of the building and an express grant of planning permission is not required for the conversion of this existing building.

The proposed garage internally provides space for two vehicles with additional space for a workshop and domestic gardening machinery. Overall the garage would be around 7.8m deep and, at its widest point, 10.4m. The front and side elevations are of a simple form; the design of the rear elevation contains three small gables – whilst this design is a little fussy it does in fact break up what could be a large and uninteresting expanse of brickwork.

Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- o be of a size, scale and height and in keeping with the character of the locality
- o its design and materials would make a positive visual contribution to its setting
- o be well related and in proportion to the original dwelling
- o not be visually intrusive on a skyline or in the open character of the surrounding countryside
- o retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- o not represent over-development of the site or be detrimental to highway safety
- o not adversely affect adjoining properties or main habitable rooms in terms of privacy amenities and aspect
- o not exacerbate any existing access, drainage or other problems associated with the site.

The proposed garage, being sited adjacent to but of smaller scale and mass than the existing garage relates satisfactorily to its setting. Its design, again being smaller than the existing garage, in conjunction with the external materials closely matching the existing garage and main dwellinghouse make a positive visual contribution to its setting. The siting of the proposed garage is such that it does not reduce any sense of space around the dwelling and continues to protect its and the amenity and character of the countryside.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposed garage, being sited adjacent to but of smaller scale and mass than the existing garage relates well to its site and surroundings particularly in relation to its form and design. The external materials closely matching the existing garage and main dwellinghouse, makes a positive visual contribution to it's the wider setting.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed garage would be sited in the region of 20m south-west of the closest neighbour where the layout of their building are such that they have an intervening structure. There is no

significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Highway Issues

The proposed development generates two additional parking spaces which comply with the adopted standards.

There is a PROW (Public Right of way) that runs parallel to the south-east boundary, however due to the presence of dense and established planting within the site views of the new garage (5m high) would be no greater than the existing garage (6m high).

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: 2019-24 file 04, 2019-24 file 05, 2019-24 file 06, 2019-24 file 07, 2019-24 file 08 and 2019-24 file 09 received 3rd September 2019.

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

- 3 The new garage hereby permitted shall be used for the parking of motor vehicles or for purposes ancillary to the residential use of the dwelling known as 1 Barnfields Clacton Road Weeley Heath.

Reason - The site is unsuitable for an independent residential unit because of the inter-relationship between the buildings on the site and potential private amenity issues.

8. Informatives

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO