

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	24.02.2020
Planning Development Manager authorisation:	TF	24.02.2020
Admin checks / despatch completed	CC	24.02.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	24/02/2020

**Application:** 19/01903/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Pearce

**Address:** 139A Kirby Road Walton On The Naze Frinton On Sea

**Development:** Proposed garage/outbuilding.

### 1. Town / Parish Council

N/A

### 2. Consultation Responses

N/A

### 3. Planning History

15/00718/FUL	Demolition of existing bungalow, construction of 3 no. 3 bedroom bungalows and associated access road.	Approved	07.08.2015
16/00236/DISCON	Discharge of Condition 8 (Construction Method Statement) of Planning Permission 15/00718/FUL.	Approved	06.04.2016
16/00334/FUL	Variation of Condition 2 of planning permission 15/00718/FUL. Change of bungalow type for plot 1 and alteration to garage/parking for plots 1 and 3.	Withdrawn	03.05.2016
16/00810/FUL	Variation of condition 2 of planning application 15/00718/FUL - Change of bungalow type for plot 1 and alterations to garage/parking plot 1 and 3.	Approved	19.07.2016
17/00330/FUL	Erection of 3 no. 3 bedroom bungalows and 1 no. 2 bedroom bungalow together with the associated garages and access	Approved	25.05.2017

road (original bungalow demolished).

19/01903/FUL

Proposed garage/outbuilding.

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

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

#### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)**

Proposal

This application seeks permission for the erection of a garage/outbuilding.

#### Application site

The site is accessed via a shared driveway on the south side of Kirby Road, within the development boundary of Frinton on Sea. The site is located to the west of this access and is not visible from the highway. It serves a detached bungalow constructed from brickwork and cladding, with a tiled pitched roof. The east side of the property is laid to lawn. The front of the property is a stoned driveway area, a parking space for this dwelling is located to the west. The immediate surrounding streetscene is comprised of dwellings of a similar characteristic.

#### Assessment

##### Design and appearance

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/outbuilding will be located to the west of the site and is to be used for the storage and charging of an electric wheelchair, currently this space is used as a parking area for the dwelling. The proposal will measure approximately 3.4m wide, 6m deep and have an overall height of 3.5m. It is deemed that the site can accommodate a proposal of this size and design and still provide adequate private amenity space.

The proposal will be designed with materials to match those of the existing dwelling. The exterior walls will be of a matching brickwork and the roof pitched with matching tiles to those of the existing dwelling. The proposal is therefore deemed to be in keeping with the existing dwelling and surrounding area. The proposal is located to the west of the site and will not be visible from the main highway, it is deemed to have no adverse effect on the visual amenities of the area.

##### Impact to neighbouring amenities

The NPPF, 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 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 proposal will be built approximately 4.9m away from the neighbouring dwelling south-west of the site, no windows or doors are proposed to be fitted on the side of the proposal facing this dwelling. It is deemed that the proposal will have no significant effect on the loss of privacy, daylight or harm to the amenities of the adjacent neighbours.

##### Highway issues

The garage/outbuilding is proposed to be located to the west of the site, this space is currently used as a parking space for the site. However the proposal will be located back, leaving a space measuring approximately 5.6m deep and 3.5m wide for parking. It is deemed that this is sufficient parking for the site.

##### Other Considerations

Frinton and Walton Town Council have made no objections to this application.

No other letters of representation have been received.

**Conclusion**

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

**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 plan; Drawing No. PKR-01.

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.

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