

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	21/02/2020
Planning Development Manager authorisation:	TF	27/02/2020
Admin checks / despatch completed	SB	27/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	Lre	27/02/2020

Application: 20/00009/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Mark Fyfe

Address: 5 Outside Kirby Cross Essex

Development: Proposed garage extension and conversion.

1. Town / Parish Council

Frinton and Walton Town Council REFUSAL - against the loss of garage parking, which if approved in turn would exacerbate the need for parking due to further occupancy. Out of keeping with the street scene and open space vista.

2. Consultation Responses

N/A

3. Planning History

15/01234/OUT	Erection of up to 240 dwellings with a community hub including either a 40-bed space care home (Class C2) or a healthcare facility (Class D1) together with access from Halstead Road, Woburn Avenue and Buckfast Avenue; a parking area for up to 30 vehicles; green infrastructure provision including children's play area, kick-about area, footpaths, structural landscaping and biodiversity enhancements; a sustainable drainage system including detention basin and swales and other related infrastructure and services provision.	Refused ALLOWED ON APPEAL	07.12.2015
17/01895/DETAIL	Phase 1 reserved matters application (49 units) for details of the appearance, landscaping, layout and scale.	Approved	07.03.2018
18/00355/DISCON	Discharge of conditions 11 (Phasing Plan and Programme), 12 (Green Infrastructure Management Plan), 13 (Foul Water Strategy), 14 (Surface Water Drainage Strategy), 15 (Written Scheme of Archaeological Investigation), 16 (Construction Method Statement), 20 (Design Code) and 21 (Landscaping Details) of approved planning appeal APP/P1560/W/15/3140113 (planning application 15/01234/OUT).	Approved	19.06.2019

18/00366/DISCON	Discharge of conditions 4 (Ground/Floor Levels, External Lighting, Means of Enclosure, Bicycle Parking and Refuse/Recycling Storage) of approved application 15/01234/OUT (allowed on appeal APP/P1560/W/15/3140113), in relation to Phase 1 only.	Approved	19.06.2019
18/00503/DISCON	Discharge of conditions 6 (roads & footways) and 11 (planning out crime) of 17/01895/DETAIL, in relation to Phase 1 only.	Approved	18.03.2019
18/00601/NMA	Non-material amendment to vary wording of Condition 1 as follows: Details of the appearance, landscaping, and scale (herein after called the Reserved Matters) for each phase shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase takes place and the development shall be carried out as approved.	Approved	13.06.2018
18/00615/NMA	Non-material amendment to 17/01895/DETAIL - amendment to proposed brick types.	Approved	04.06.2018
20/00009/FUL	Proposed garage extension and conversion.	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

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 (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

The application site is located to the west of Outside, situated within the new Linden Homes housing development in Kirby Cross. The site is located outside of the development boundary in the adopted Local Plan, and within the development boundary in the Emerging Local Plan. The site serves a detached two storey dwelling constructed of red brick with a rendered front gable and a tile roof. The front of the site has a small frontage with grass, planting and a pathway to the front door. A paved driveway is located to the side of the dwelling leading to a detached, pitched roof double garage. The rear of the site is currently subdivided with Heras fencing as the rear of the garden remains unmade. The garden that is usable is a combination of grass and patio. Close boarded fencing is located on the boundaries.

Proposal

The application proposes an extension to the rear of the detached garage, and the conversion of the garage to create a one bedroom annexe.

The proposed extension measures 4.2m deep by 6.3m wide and has a flat roof with maximum height of 2.9m. The proposed materials will match those used on the existing garage. The conversion of the existing garage will include the insertion of 2 no. roof lights and openings on the right flank elevation only. The garage door on the front elevation will be replaced with high level windows and a design to replicate a garage door.

Representations

Frinton and Walton Town Council recommend refusal for this application due to:

- Loss of garage parking. *(See officer report)*
- Out of keeping with street scene and open space vista. *(See officer report)*

One letter of objection has been received, raising concerns regarding:

- Occupied in breach of planning consent. *(The outline consent for the development was allowed at appeal, with the subsequent reserved matters application approved by the Council. Both consents imposed conditions, but there were no conditions restricting garage conversions within individual plots)*
- No subsequent provision for garaging more vehicles. *(See officer report)*
- Worsened residential amenity and nuisance to neighbours. *(See officer report)*

Observations have been submitted by the applicant of the application in light of the representations received. The applicant provides some justification for the need of the annexe, confirms no additional parking will be required and states that the property is located at the top end of a private road with existing off road parking for five vehicles (excluding the garage).

Assessment

The main considerations of this application are the design, impact on residential amenity and parking.

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

The proposed development is considered to be of a scale and nature appropriate to the site and the surrounding area. The extension to the rear is considered to be a modest flat roof design that will not be visible from the street scene. Furthermore, the use of matching materials will blend the garage extension with the remainder of the garage and the main dwelling itself. The only aspect that will be visible from the road will be the change from a garage door to high level windows. Notwithstanding this the design and infilling of the front elevation will replicate a garage door. The garage to be converted is well set back from the front of the dwelling so there is not considered to be any adverse impact on the street scene or the visual amenity of the area.

There is no condition within the original consent that removed permitted development rights for a garage conversion. However, permission is required due to the extension and the overall height of the garage being altered. The conversion to the garage to an annexe combined with the extension is considered acceptable. Sufficient private amenity space will be retained for the occupiers of the property. A condition is imposed on the condition to ensure that the annexe and associated extension is used ancillary to the main dwelling as use as a separate dwelling would be considered under different policies and is unlikely to be supported.

Impact on Residential Amenity

New openings are only proposed on the right flank elevation of the garage/extension, which will face into the private amenity area of the main dwelling. The roof lights located on the same roof plane will face onto adjacent neighbours but are a considerable distance away so as not to cause any loss of privacy or overlooking. The garage extension located to the rear of the garden will be adjacent to the rear of the surrounding neighbours' private amenity space. Overall, there is not considered to be a significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

Parking

The proposed development will result in the loss of the existing double garage. Notwithstanding this the property is the last dwelling at the end of a private access drive and there is sufficient parking for 4 other cars in front of the garage. The current Parking Standards require 2 off road car parking spaces, which can easily be achieved at this site. As a result there is no objection to the level of parking available after the garage has been converted and the development is therefore considered acceptable in terms of parking.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, 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. 02.

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

- 3 The garage conversion to an annexe and associated extension hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Outside, Kirby Cross, Essex, CO13 0FU.

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.

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