

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SOB	27/05/2020
Planning Development Manager authorisation:	SCE	27.05.20
Admin checks / despatch completed	CC	27.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	27/05/2020

Application: 20/00433/FUL **Town / Parish:** Little Oakley Parish Council

Applicant: Aidan Fitzgerald

Address: 15 Harwich Road Little Oakley Harwich

Development: Proposed new garage to replace existing.

1. Town / Parish Council

Mrs Jeanette Sands
18.05.2020

Little Oakley Parish Council supports this application on condition that the proposed new garage remains a garage in perpetuity.

2. Consultation Responses

N/A

3. Planning History

15/01243/FUL	Proposed single storey rear extension to form kitchen, utility and bathroom.	Approved	01.10.2015
20/00433/FUL	Proposed new garage to replace existing.	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Site Description

The application site is located to the north of Harwich Road, within the development boundary of Harwich. The site serves a detached two storey dwelling, the exterior walls are constructed from brickwork with a pitched tiled roof. The front of the site is a low rise fence and gated entrance with a small area laid to lawn with shrubs, to the side is a block tiled driveway which leads to the existing detached garage located to the west of the site. The rear and east of the site is laid to lawn with variety of shrubs and trees.

The surrounding area is comprised from dwellings constructed from similar materials.

Proposal

This application seeks permission for a new garage to replace existing.

Assessment

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.

Design and appearance

The proposed garage measures approximately 5.9m wide, 8.1 deep and 4.5m high. This is significantly taller than the existing garage, but still acceptable as it remains subordinate to the existing dwelling.

The proposed new garage replacing existing is located to the west of the site, it does not cause for any external changes to the property and will be visible from the street scene as it is located at the end of the driveway.

It is deemed that the site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

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 proposed new garage is to replace existing and is unlikely to affect neighbouring properties due to their proximity.

Overall, the development is not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

Highway Issues

There is adequate parking for more than two cars and the proposed development will add further parking.

Other considerations

Little Oakley Parish Council supports this application on condition that the proposed new garage remains a garage in perpetuity.

Given that more than adequate parking provision is available on the site it is not considered reasonable to restrict the use of the garage to vehicle parking only. As it is a building which is ancillary to the main house it can only be used for such purposes, therefore any separate business or residential use would require planning permission.

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 plans: 0263/PL/01, 0263/PL/02, 0263/PL/03, 0263/PL/04, 0263/PL/05 and 0263/PL/06.

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.

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