

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | JD | 03/08/2020 |
| Planning Development Manager authorisation: | AN | 03/08/2020 |
| Admin checks / despatch completed | CC | 03/08/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CD | 03/08/2020 |

Application: 20/00729/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mrs M Westpfel
Address: 88 Walton Road Frinton On Sea Essex
Development: Replacement garage.

1. Town / Parish Council

No response.

2. Consultation Responses

Not applicable.

3. Planning History

| | | | |
|-----------------|---|-----------|------------|
| 16/01459/LUPROP | Proposed rear extension. | Withdrawn | 24.10.2016 |
| 16/01739/FUL | Proposed rear extension and new pitched roof over existing flat roof. | Approved | 13.12.2016 |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Site Description

The site is that of a semi-detached house with a detached garage to the side. The property is on the south-eastern side of Walton Road, near the junction with Newport Way.

The property has a dropped kerb onto the highway and four parking spaces, two behind two, set in front of the existing garage.

The existing garage has a flat roof and appears to be of a concrete sectional design. Conjoined to the side of the garage is a flat roofed built form of timber boarding infilling between the concrete garage and the side boundary of a detached house at no. 86.

The site is set in a varied streetscene of residential development linking Frinton with Walton. The immediate neighbouring properties are houses, with bungalows elsewhere.

Proposal

Replacement garage.

The proposed replacement garage would have a width of 5.5m and a depth of 5.0m. The roof would have an asymmetric side gable form, with a steeper pitch at the front than at the back. The roof would have a maximum height of 3.5m, 2.1m to the eaves. The walls of the garage would be of brickwork and have a tiled roof.

The replacement garage would be essentially at the same position as the existing garage; with its front elevation somewhat forward of the position of the front elevation of the house but slightly set back from a line across the front elevation of the neighbouring house, to the right hand side when viewed from the road.

Appraisal

The overall appearance of the replacement garage would be good and as compared to the appearance of the existing outbuilding the proposal would somewhat enhance the appearance of the site. The front elevation of the replacement garage would be set at a mid-point between a line of the front elevation of the house and a line of the front elevation of the neighbouring house. The proposal is considered acceptable with regard to Policy QL9.

Only one neighbour could be affected by the proposal, that at 86 Walton Road. The neighbouring house is set to the southwest of the proposed garage and given this orientation and that the proposed garage would replace one existing, it is considered that there would be no material impact on the occupiers of 86 Walton Road. The proposal is acceptable with regard to Policy QL11.

The dimensions of the proposed garage, at 5.0m deep by 5.5m wide, would not meet a standard set out in SPG, of 7.0m deep by 3.0m wide, in that the depth would be insufficient. However, given that there would remain four parking spaces in front of the garage, on the site, it is considered that this would not form an adequate reason for any refusal.

Notification letters were sent to occupiers of 5 neighbouring properties. No response has been received.

6. Recommendation

Approval.

7. Conditions / Reasons for Approval

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: Site location plan and WWR-101 Revision C.

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

3. The garage hereby permitted shall be erected following the complete demolition of the existing outbuilding, leaving an open space of 0.9m width between the garage hereby permitted and the side boundary with 86 Walton Road.

Reason - For the avoidance of doubt as to the finished appearance of the development hereby permitted and to ensure an appropriate setting to the garage in the interest of visual amenity.

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.