

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/09/2020
Planning Development Manager authorisation:	AN	08/09/2020
Admin checks / despatch completed	CC	08/09/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	08/09/2020

Application: 20/00809/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr and Mrs Carlier

Address: 15 Dixon Close Lawford Manningtree

Development: Proposed loft conversion with front and rear dormers and part conversion of the existing garage.

1. Town / Parish Council

Lawford Parish Council Council has no objection to this application
27.07.2020

2. Consultation Responses

ECC Highways Dept The Highway Authority observes that the internal dimensions of the
19.08.2020 garage are not in accord with the current Parking Standards and is
unlikely to accommodate a standard sized modern vehicle and
therefore does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

20/00809/FUL Proposed loft conversion with front Current
and rear dormers and part
conversion of the existing garage.

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

TR1A Development Affecting Highways

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, 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 (including Site Description and Proposal)

Site Description

The application site relates to 15 Dixon Close, Lawford, a single storey dwelling located within the development boundary.

Proposal

This application seeks planning permission for a proposed loft conversion with front and rear dormers and part conversion of the existing garage.

Design and 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 loft conversion will be served by a dormer window to the front elevation and rear elevation. The proposal will be constructed from matching materials to those used within the host dwelling to ensure that the proposed works are in keeping. Although the front dormer window will be visible from the street scene, the proposal is considered to be of a size and scale which is in keeping with the host dwelling.

The proposed part garage conversion is located to the rear of the garage and therefore will not impact the front of the existing garage. To the rear is a proposed window to serve the proposed hallway. Due to the window being located to the ground floor and to the rear of the dwelling, it is considered that the proposal will not cause any impact upon the street scene.

Impact on neighbour

The NPPF, at paragraph 127 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 front dormer window will look out onto the front of the houses opposite and the existing driveway and the neighbouring driveway however it is considered that views are already possible and this will not cause any significant impact upon neighbouring amenities.

The neighbouring dwellings of the site are currently not overlooked and therefore the introduction of rear facing dormer windows will result in a loss of privacy to the neighbours to the west of the application site. The proposed dormer will only have views towards the rear end of the neighbour's garden and not to the neighbours private amenity space immediately to the rear. It is therefore considered that the proposal is not significant enough to warrant a reason for refusal.

Highway Safety and Parking Provision

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex Highway Authority have been consulted on this application and have observed that the internal dimensions of the garage are not in accord with the current Parking Standards and is unlikely to accommodate a standard sized modern vehicle and therefore does not object to the proposals as submitted.

The proposed garage conversion will reduce the size of the existing garage however as demonstrated on drawing no. 02 Rev A, parking is achievable on site in line with Essex Parking Standards.

Other Considerations

Lawford Parish Council has no objection to this application.

One letter of objection has been received raising the following concerns:

- Concerns raised over the impact of the snug above the garage and concerns with the party wall.

The party wall concern is a civil matter between neighbours and this cannot be taken into consideration when determining a planning application.

- Concerns over the construction of the garage and the existing.

Once planning permission has been granted the applicants will need to apply for building regulations consent for the construction of the proposal.

- Concerns raised over the noise created from the proposed snug.

It is considered that the proposed snug will be an additional room which will not cause any significant impact upon neighbouring amenities.

- Concerns raised over the rear dormer window which will overlook the neighbouring garden and will result in the loss of privacy.

This concern has been addressed within the report.

- Concerns raised over buddleia bush and the pruning back by the neighbours

This concern is a civil matter between neighbours and therefore has not been taken into consideration when determining this application.

- Concerns raised over the front dormer window and the impact of privacy to neighbouring dwellings.

This concern has been addressed within the report.

- Concerns over the internal walls and the noise.

As mentioned above, the applicant will need to submit plans to be reviewed by the building regulations team in regards to the construction of the proposed development.

- Concerns over the dust and possible damage to the neighbouring car from the construction. Would it be possible to park the neighbouring car in the road and be exempt from the yellow line parking restrictions during construction?

The concern raised above is a private matter in regards to any potential damage created from the development. In regards to highway safety, this is controlled by Essex Highways Authority and you would need permission from the Authority.

- Concerns with the health of the neighbour and the noise and stress.

The concern above has been noted however unfortunately this is not a material planning consideration and therefore it has not been taken into consideration when determining this application.

6. Recommendation

Approval - Full

7. Conditions

- 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 Rev A
- Drawing No. 10

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

- 3 Prior to occupation of the hereby approved conversion the vehicle parking shown on approved Drawing No. 02 Rev A shall be made available ready for use and shall be retained in the agreed form at all times.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

Highways

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 653 The Crescent,
 Colchester
 CO4 9YQ

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