

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	11.11.2020
Planning Development Manager authorisation:	TF	11/11/2020
Admin checks / despatch completed	DB	12/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	12/11/2020

Application: 20/01259/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Adam Nichols

Address: 25 Chartfield Drive Kirby Le Soken Frinton On Sea

Development: Proposed single storey garage extension and extension to existing private drive.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
12.10.2020

APPROVAL - with the comments of the neighbour taken into account in that soundproofing be installed should the use be as described in the comments.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is at the end of a residential road and retains adequate room and provision for off street parking and turning, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: On the completion of the extension, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

2: 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 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,**

3. Planning History

17/00758/FUL	Erection of 9no. detached dwellings with garaging and access.	Approved	29.06.2017
17/02178/FUL	Application of variation to condition 15 on approval 17/00758/FUL - Amendment to approved drawings.	Approved	13.02.2018
20/01259/FUL	Proposed single storey garage extension and extension to existing private drive.	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, 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)

Proposal

This application seeks permission for the erection of a single storey garage extension and extension to existing private drive.

Application Site

The site is located to the west of Chartfield Drive, within the development boundary of Kirby Le Soken. The site serves a detached dwelling constructed from brickwork and painted render. The detached garage is located to the south of the site and sits further back on the plot to the existing dwelling. The surrounding area is comprised from dwellings of a similar appearance.

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 extension will be located to the south elevation of the garage. It will measure 5.6 metres wide by 7.2 metres deep with an overall height of 4 metres. The proposed extension is considered to be of a size and scale appropriate to the existing garage and dwelling, the application site can accommodate a proposal of this size whilst retaining adequate private amenity space.

The proposal will be visible to the streetscene, however it is set back from the highway therefore reducing its overall impact on visual amenity. The proposed extension will also be constructed using materials to match those of the existing garage, the exterior walls will be finished in a matching brickwork and the roof pitched and finished in a matching red tile. The windows will be of a matching white UPVC and the new garage door of a matching black UPVC. The proposed garage extension is considered to be of a design in keeping with the existing dwelling and surrounding area and is not considered to have any adverse effect on the visual amenities of the area.

The existing drive will be extended on the south side by approximately 15 metres deep and 3 metres wide. It is not thought to have any harmful impact 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 proposed garage extension is located away from any shared neighbouring boundary lines and is not thought to have a harmful impact on the amenities of the adjacent neighbours.

Highway issues

The highway Authority have been consulted in regards to this application and have no objections to the proposals as submitted.

Other Considerations

One letter of representation has been received from a resident of Edith Road. The letter raised concerns over the use of the room as a cinema room and whether appropriate soundproofing will be compulsory.

This letter also raised concerns that the original developers, under application 17/00758/FUL were required to establish a hedgerow along the south edge of the development which includes the application site.

Officer response; Noise disruption is not considered to be a material planning consideration and has not been assessed under this application. With regards to the hedgerow every application is considered on its own merit, any conditions set out under 17/00758/FUL are the responsibility of the applicant for that development and have not been considered under the current application.

Frinton and Walton Town Council recommend approval on the condition that the comments of the neighbour (discussed above) are taken into account in that soundproofing be installed should the use be as described in the comments.

Essex County Council Highways have no objections to the proposal.

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. 52-2020-02 P and Drawing No. 52-2020-03 P.

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

3. The hereby permitted garage extension and the existing garage area for which it would form part shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 25 Chatfield Drive Kirby le Soken.

Reason - The site is unsuitable for an independent residential use because of the size of the overall plot.

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.

Highways Informatives

1: On the completion of the extension, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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