

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	DB	18/12/2020
Planning Development Manager authorisation:	TC	21/12/2020
Admin checks / despatch completed	DB	21/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.12.2020

**Application:** 20/01402/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mr L Fribbins

**Address:** Freshfields Bromley Road Frating

**Development:** Proposed garage extension.

### **1. Town / Parish Council**

Mrs Michelle Salazar  
07.12.2020

Frating Parish Council have no objection but make an observation, the design could have been in keeping with adjoining properties.

### **2. Consultation Responses**

ECC Highways Dept  
08.12.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2019.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the completion of the extension the vehicular turning facility, shall be retained/ amended, constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that all garaged vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. All double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading /

reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development

### **3. Planning History**

01/01855/FUL	Erection of 2 detached garages, and conversion of existing integral garages.	Approved	12.12.2001
11/00151/FUL	Garage extension.	Approved	07.04.2011
20/01402/FUL	Proposed garage extension.	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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Proposal**

The proposal seeks permission for a garage extension to the front of the dwelling with a linked covered passageway separating the two structures.

### **Application Site**

The application site contains a detached 2-storey dwelling set back from the highway by approximately 25 metres. The character of the area is predominantly 2-storey detached dwellings well set back from the highway. There are several frontage detached garage buildings within the locality.

### **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 would measure 5.75 metres wide by 7 metres deep with an overall height of 3.7 metres at the pitch. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. Both direct neighbouring properties have frontage garages, with The Clovers. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space.

The proposed garage extension will be located at the front of the property and therefore would be visible from the streetscene. However, the setback nature of the site from the road would mitigate the impact on the visual amenity of the streetscene. The design and finish would utilise materials consistent with the existing dwelling further reducing the proposals visual impact on the site. The roof would be a pitched roof construction, featuring two garage doors to the front with a side access door and window. The windows, doors, facias and soffits will be made of UPVC, which to remain consistent with the existing host dwelling.

### **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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The nearest neighbouring properties to the proposed are Wheatlands and Valetta.

### **Impact on Wheatlands**

The application property is located to the north of the property next door at Wheatlands, and as a result, it is considered that the proposed garage would not adversely affect this property by way of loss of light as the garage is to the North. Furthermore, the extension will not obstruct light or outlook from the existing kitchen window at Wheatlands as the extension does not result in the centre of this window being within a combined plan and section 45-degree overshadowing zone. As a result, it is considered the garage extension would not adversely affect the residential amenities of this property.

### **Impact on Valetta**

This dwelling is set furthest away from the proposal. The side window and access door of the extension would face towards the principal elevation of this property. However, it is deemed that this would not pose a materially damaging impact on the privacy of Valetta, as it would not be a habitable space. As a result, it is deemed that the proposal would not represent a materially damaging impact on the privacy, daylight or other amenities to the occupiers of Valetta.

### **Highway issues**

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

### **Other Considerations**

Frating Parish Council 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 plans; Drawing No.

- 855/01
- 855 02A

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.

Essex County Council Highways

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3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and

manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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