

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	27 <sup>th</sup> Jan 2021
Planning Development Manager authorisation:	TF	28/01/2021
Admin checks / despatch completed	CC	29.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	29/01/2021

**Application:** 20/01683/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mrs Vanarva

**Address:** 1 Spinney Cottages Church Road Frating

**Development:** Proposed conversion of existing outbuilding to granny annexe.

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

No comments received

### **2. Consultation Responses**

No comments received

### **3. Planning History**

96/00969/FUL	(1 Spinney Cottages, Hockley Farm, Frating) First floor extension to form new bathroom	Approved	05.09.1996
20/01683/FUL	Proposed conversion of existing outbuilding to granny annexe.	Current	

### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwelling

HG14 - Side Isolation

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

*Local Planning Guidance*

*Essex Design Guide*

*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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) 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**

### **Site Description**

The site is located on high ground in the open countryside; to the north lies the semi-detached neighbour, to the east lies open agricultural land and to the west is Hockley Farm. The gradient of the land slopes generally east to west.

The dwellings appear mid twentieth century and very little similarities appear to existing in regards to their design however externally they both appear to be finished in a self-coloured render.

The property's curtilage has an elongated collection of three outbuildings against its southern boundary. The outbuildings have a footprint of approximately 5.4m deep by 31m wide and are just less than 1.5m from the boundary. The buildings have a mono-pitched roof finished in corrugated asbestos; the mono-ridge at 3m high is to the south boundary with the roof sloping down to an eaves in the region of 2.3m. It is the central of these three buildings which is the subject of this application.

### Description of Proposal

The application proposes the conversion of one of these ancillary buildings to an annex containing self-contained living accommodation. The conversion itself does not requires planning permission as no material change in use will take place. Notwithstanding this, works to the roof are proposed and, as the resultant development would exceed the height limitations permitted under Class E of the General Permitted Development Order 2015 (as amended) an express grant of planning permission would be required. The works would see the roof of this central building changed from a mono-pitched to a dual-pitch; the height of the ridge would be increased to 3.7m with eaves around 2.2m and the roof would be covered with a natural slate tile.

### Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The dwelling is located outside the settlement boundary. Policy HG12 requires that 'Proposals for an extension to an existing dwelling outside the defined development boundaries of settlements will be permitted provided that the extension or replacement satisfies the general design criteria set out in Policies QL9 and QL10'. In addition, the proposal must:-

- be of a size, scale and height and in keeping with the character of the locality
- its design and materials would make a positive visual contribution to its setting
- be well related and in proportion to the original dwelling
- not be visually intrusive on a skyline or in the open character of the surrounding countryside
- retain sufficient space around the dwelling to protect its and the amenity and character of the countryside
- not represent over-development of the site or be detrimental to highway safety
- not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect
- not exacerbate any existing access, drainage or other problems associated with the site.

Overall the works propose a very modest increase in the overall height of the central element of these three buildings. As the development does not extend beyond the existing envelope of built form, the development is considered to be of a size, scale and height and in keeping with the character of the locality. Replacing the corrugated asbestos sheeting with a natural slate tile is considered to make a positive visual contribution to its setting. The existing building is at least 25.5m from the shared boundary with No. 2 Spinney Cottages and for this reason it would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect.

### Design & 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.

Overall the works propose a very modest increase in the overall height of the central element of these three buildings. As the development does not extend beyond the existing envelope of built form, the development is considered to be of a size, scale and height and in keeping with the character of the locality. Replacing the corrugated asbestos sheeting with a natural slate tile is considered to make a positive visual contribution to its setting. The proposed works respect the character and appearance of the host building in regards to its scale and design.

#### Impact to Neighbouring Amenities

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 existing building is at least 25.5m from the shared boundary with No. 2 Spinney Cottages and for this reason it would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect.

#### Highway Issues

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.

The alterations to the roof do not generate addition or diminish the existing parking at the property.

#### Representations

None received from either interested parties or the Parish Council.

#### Other Material Considerations

None

#### Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

## **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 plans: 1/SCF/20/1, received 23rd November 2020.

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

- 3 The annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Spinney Cottages.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

## 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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>