

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | DB       | 01.03.2021 |
| Planning Development Manager authorisation:                 | SCE      | 02.03.2021 |
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**Application:** 21/00102/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Tina

**Address:** 44 Heathlands Thorrington Colchester

**Development:** Proposed rear extension and conversion of garage into annex for use of main dwelling only.

### 1. Town / Parish Council

Thorrington Parish Council      No comments received.

### 2. Consultation Responses

N/A

### 3. Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| 76/01302/FUL | 8 dwellings and garages (revised house types plots 8-15)                                   | Approved | 25.01.1977 |
| 21/00102/FUL | Proposed rear extension and conversion of garage into annex for use of main dwelling only. | 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 2007*

SP1 Presumption in Favour of Sustainable Development

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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 single storey rear extension and the conversion of the existing garage into an annex for use of existing dwelling only.

### **Application Site**

The site is located to the north west of Heathlands within the development boundary of Thorrington. The site serves a single storey semi-detached dwelling constructed of brickwork with a pitched tiled roof. The surrounding streetscene is comprised from dwellings of similar design and scale; materials present include mostly exposed brickwork.

### **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 rear extension will measure 4.8 metres wide by 4 metres deep with an overall height of 2.7 metres. The proposal is deemed suitable to the site in scale and design, whilst retaining adequate private amenity space.

The proposed extension will be located to the rear of the property and therefore is entirely obscured from the streetscene. The garage door on the front elevation will be replaced with a window made of white UPVC, and be consistent in design to those of the host dwelling. The proposed brickwork exterior will also match the finish of the existing property. As a result, it is deemed that this would present a marginal impact on the visual amenity of the site and locale. The roof would be a flat roof construction with a roof lantern fitted to allow for natural light into the space. All rainwater goods such as gutters, soffits and fascias will be white UPVC to match the existing dwelling. To the rear, new windows and doors will be installed to provide access to the rear garden, also being white UPVC.

The use of the proposed annex would have to remain ancillary to the existing host dwelling, as the site is not suitable to accommodate a separate dwelling. As a result the following condition would be required:

The annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 44 Heathlands.

Reason – The site is unsuitable for an independent residential unit because of the location of the building and the nature of the site.

By converting the garage, the parking provision will inevitably become reduced. However, there is space in front of the garage to park two vehicles, which remains consistent with the adopted car parking standards for a dwelling of this scale.

### **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 are 42 and 46 Heathlands.

#### **Impact on 42 Heathlands**

This dwelling is attached to the host dwelling, however the proposed extension would be set away from this neighbouring property, and obscured from view by the existing conservatory. The proposal does not feature any windows facing towards number 42, so will not compromise the privacy of this neighbouring dwelling. As a result, it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 42.

#### **Impact on 46 Heathlands**

This dwelling is linked to the host dwelling by the two adjoining garages. The proposal would have a single storey profile and feature no windows facing towards this dwelling. The limited scale of the proposal is deemed to not cause any reduction in daylight to this neighbouring dwelling. As a result,

it is deemed that this development will not cause a significant impact on the loss of privacy nor daylight, nor to cause any other harm to the amenities of No. 46.

The impact of the proposal on neighbouring properties to the rear will also be negligible as the rear boundary features a high fence, which obscures the proposal from these dwellings.

### **Highway issues**

Whilst the proposed garage conversion will cause a loss of parking within the existing garage, two off street parking spaces will remain to the front of the garage in accordance with adopted car parking standards.

### **Other Considerations**

No other letters of representation have been received.

### **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**

- 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.
  - 101
  - 103

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

- 3 The annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 44 Heathlands.

Reason – The site is unsuitable for an independent residential unit because of the location of the building and the nature of the site.

## **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.