

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
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Planning Development Manager authorisation:	SCE	09.03.2021
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**Application:** 21/00139/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Pavey

**Address:** 9 Kirkbaye Kirby Cross Frinton On Sea

**Development:** Proposed conversion of integral garage into a habitable space (and associated works) and erection of a detached garage.

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

Mr FRINTON & WALTON  
TOWN COUNCIL  
19.02.2021

Recommends: APPROVAL

### **2. Consultation Responses**

ECC Highways Dept

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

### **3. Planning History**

21/00139/FUL

Proposed conversion of integral garage into a habitable space (and associated works) and erection of a detached garage.

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

SPL3 Sustainable Design

Local Planning Guidance

*Essex Design Guide*

#### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 the existing garage to be converted into a habitable space and the erection of a new detached garage to the front of the property.

### **Application Site**

The site is located to the south of Kirkbaye within the development boundary of Frinton on Sea. The site serves a two storey 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 detached double garage will measure 6.4 metres wide by 6 metres deep with an overall height of 4.8 metres at the pitch. It will feature a tiled pitched roof and two garage doors to the east elevation, with a single access door to the south elevation. All rainwater goods such as gutters, soffits and fascias will be UPVC to match the existing dwelling. Whilst it is noted that the proposal is large in scale, it is deemed to have adequate separation distance from both the host dwelling and the eastern boundary. The finishing materials of tiles and facing brickwork will also reduce the impact of the proposal on the visual amenity of the streetscene. The proposal is deemed suitable to the site in scale and design, whilst retaining adequate private amenity space to the front of the dwelling.

The garage door on the front elevation will be replaced with two windows made of UPVC, which will 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.

Parking provision at the site will be increased as a result of the proposal, as it will retain both two spaces to the front driveway as well as the two additional spaces within the detached garage. As a result, the proposal 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 24 Hunt Way and 8 Kirkbaye.

### **Impact on 24 Hunt Way**

The proposed detached garage would be located 1m from the rear boundary of this neighbouring property, and partially obscured from view by the existing fence line. The proposal will not compromise the privacy of this neighbouring dwelling, as it is to be used as a garage not a habitable space. As this neighbouring garden is east facing, it is deemed that the proposal will not cause a significant reduction in daylight to this property. 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. 24.

### **Impact on 8 Kirkbaye**

The proposal would be located approximately 28 metres away from the principle elevation of this property opposite. 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.

### **Highway issues**

Parking provision at the site will be increased because of this proposal, in accordance with adopted car parking standards.

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

### **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 / 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.

- 101
- 103

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

- 3 The detached garage shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 9 Kirkbaye.

Reason – The building should remain as a garage, any alteration will require written approval from the Local Planning Authority.

## **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.

### ECC Highways

1: 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](mailto:development.management@essexhighways.org) or by post to:

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

2: On the completion of the Development, 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.