

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	07.04.2021
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Application: 21/00342/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs M Westpfel

Address: 88 Walton Road Frinton On Sea Essex

Development: Erection of replacement garage (Resubmission of previously approved application 20/00729/FUL)

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
04.04.2021

APPROVAL

2. Consultation Responses

N/A

3. Planning History

16/01459/LUPROP	Proposed rear extension.	Withdrawn	24.10.2016
16/01739/FUL	Proposed rear extension and new pitched roof over existing flat roof.	Approved	13.12.2016
20/00729/FUL	Replacement garage.	Approved	03.08.2020
21/00342/FUL	Erection of replacement garage (Resubmission of previously approved application 20/00729/FUL)	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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 26th 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 10th 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 26th 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 erection of a replacement garage (Resubmission of previously approved application 20/00729/FUL).

Application Site

The site is located to the south-east of Walton Road within the development boundary of Frinton on Sea. The site serves a two storey semi-detached dwelling constructed of brickwork with a pitched tiled roof. The property has a dropped kerb onto the highway and four parking spaces, two behind two, set in front of the existing garage. The surrounding streetscene is comprised from dwellings of varied 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 garage would measure 5.5 metres wide 5 metres deep, with an overall height of 3.4 metres at the pitch. The roof would have an asymmetric side gable form, with a steeper pitch at the front than the back. The front elevation of the garage would be finished in brickwork, whilst the remaining sides and rear elevation will be finished in Hardiplank. This would represent a change in finish from the previously approved application 20/00729/FUL. However, it is deemed that this would represent a marginal alteration to the previous submitted plans. The rear elevation would feature UPVC doors and windows leading to the rear garden, with two roof lights to provide additional light to the space. There will be a 0.9 metre separation distance from the proposed garage and the boundary of 86 Walton Road, in the interests of visual amenity. The replacement garage would be essentially at the same position as the existing garage, and the design and finish of the proposal is deemed an improvement on the visual amenity of the site.

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 dwelling to the proposal is 86 Walton Road.

Impact on 86 Walton Road

This neighbouring dwelling is set to the southwest of the proposal and as the proposed garage would replace one existing, it is considered that there would be no material impact on the occupiers of 86 Walton Road.

Highway issues

Whilst the proposed garage would not meet the adopted car parking standards, 7 by 3 metres, the site will retain an additional 4 parking spaces to the front of the dwelling. As a result, it is deemed that the site will remain consistent with the adopted parking standards.

Other Considerations

Frinton and Walton Town Council recommends approval for this proposal.

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 plan;

Drawing no. WWR-101 D

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

3. The garage shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 88 Walton Road.

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.