

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	29/04/2021
Planning Development Manager authorisation:	SCE	05.05.2021
Admin checks / despatch completed	ER	05/05/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	05.05.2021

Application: 21/00514/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Emily Woods

Address: 1 Chapelfields Kirby Cross Frinton On Sea

Development: Proposed garage conversion creating habitable use and side flat roof dormer

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
26.04.2021

Recommends: APPROVAL

2. Consultation Responses

Not applicable

3. Planning History

16/00286/HHPNO T	Proposed single storey rear extension. 4.5m in depth and 2.8m in height.	Prior Approval not required	04.04.2016
16/30090/PREAPP	Erection of boundary fence to side of property (extending back garden space slightly).	Support	17.05.2016
16/01343/FUL	Repositioning of garden fence to the left side of the property. Incorporating some of the side garden into the back garden space.	Approved	18.11.2016
21/00514/FUL	Proposed garage conversion creating habitable use and side flat roof dormer	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Application Site

The application site comprises of a chalet bungalow type dwelling with existing integral garage and front driveway. The dwelling is located on a corner plot location with fencing positioned along the boundary.

Proposal

This application seeks planning permission for a proposed garage conversion creating habitable use and side flat roof dormer.

Whilst the garage conversion would normally be permitted development, the rights to convert garages without planning permission have been removed in the original consent for the house.

Assessment

Design and Appearance

The proposal is of a suitable size and design which is in keeping with the main house and will be finished in materials which are consistent with the host dwelling. The height of the dormer will not exceed the height of the existing dwelling allowing it to appear as a subservient addition to the existing house.

The proposed alterations will be publicity visible from the front and rear of the site however as a result of their set back from the site boundaries will not appear harmfully within the streetscene. It is noted that whilst a request was made to set the proposed dormer window further back from the front wall of the house to further reduce its prominence this has not been pursued however its proposed position is considered acceptable in terms of visual amenity in this case.

The area is characterised by bungalows and chalet typed dwellings some of which have previously erected dormer windows similar to that proposed in particular 23 and 16 Chapelfields. The presence of existing dormer windows within the immediate area will allow the proposal to be in keeping with the overall character and appearance of the area.

The proposal is therefore considered acceptable in terms of visual amenity.

Highway Safety and Site History

The original permission of the dwelling reference FRW/2/71 currently removes the permitted development rights for conversions of garages by stating the following.

Condition 10,

"The Layout shall make provision, to the local planning authority's satisfaction, for at least one car parking space for each dwelling, plus at least one garage, or space for a garage, for each dwelling. The parking space shall be within the curtilage of the dwelling or immediately adjoining it, clear of the highway and shall be constructed before the dwelling is occupied.

Reason - To make adequate provision for garages and parking vehicles clear of the highway. In accordance with the local planning authorities standards. "

The Essex County Council Parking Standards states that where a proposal comprises of 2 or more bedrooms that 2no parking spaces should be retained measuring 5.5m by 2.9m per space. Whilst the proposal is contrary to the above condition and will result in the loss of the existing garage, there is sufficient room at the front of the site to accommodate off street parking of two vehicles in line with the above standards. The proposal will therefore not contravene highway safety and the failure to comply with the above condition would not be so significant to refuse planning permission upon.

Impact on Neighbours

The proposed garage conversion is of a scale and siting which would not have an adverse impact to the residential amenities of the neighbouring dwelling.

The proposal does include a new first floor side window to be positioned in the dormer window which will serve a bedroom. It is noted that this side window is a high level window which will look onto the neighbouring dwellings existing roof slope. Due to its positioning and size this window will receive limited views of the neighbouring house and is unlikely to result in a significant loss of privacy to this neighbour.

The proposal does include a new first floor window to the rear which will serve the proposed study and will achieve views of the neighbouring sites gardens. As these gardens are already overlooked by the host dwelling and surrounding houses it is considered the loss of privacy in this instance would be unreasonable grounds to refuse planning permission upon.

Other Considerations

Frinton and Walton Town Council Approve the application.

There have been no letters of representation received.

Conclusion

In the absence of material harm resulting from the proposed development 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 plan: 01.

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.