

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	27.05.2021
Planning Development Manager authorisation:	SCE	27.05.2021
Admin checks / despatch completed	DB	27.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.05.2021

**Application:** 21/00641/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mr and Mrs Chambers

**Address:** 8 Frating Hill Frating Colchester

**Development:** Erection of single storey side extension and conversion of garage into habitable use

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

Frating Parish Council      No Comments

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

90/00207/FUL	Extensions and alterations.	Approved	10.04.1990
20/01462/FUL	Proposed loft conversion/extension.	Withdrawn	11.02.2021
21/00641/FUL	Erection of single storey side extension and conversion of garage into habitable use	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Adopted Tendring District Local Plan 2007 (part superseded)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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

This application seeks permission for the erection of a single storey side extension and conversion of garage into habitable use.

### Application Site

The site is located towards the north of Frating Hill outside of any defined settlement development boundaries. The site serves a detached bungalow finished in white painted render with a pitched roof. The front of the site has a large stoned driveway area with fencing and shrubbery around the site boundary.

## 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 side extension will be located to the west of the site and will measure 4 metres deep, where it meets with the existing garage, it will be 2.9 metres wide and will have an overall flat roof height of 3 metres. The proposed extension is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space.

The proposed extension will be of a design and appearance in keeping with the existing dwelling, the exterior walls will be finished in a matching white painted render, the roof will be of a flat roof design to match that of the existing garage and the windows and doors will be of a matching UPVC. The proposal is located to the side of the dwelling and will be visible from the streetscene, however, the dwelling is largely shielded from the streetscene by the existing trees along the site boundary and the dwelling is set back from the highway, the proposal will therefore not appear overly prominent within the streetscene. Furthermore, due to the use of similar materials the proposal blends with the existing dwelling and has no adverse effect on the visual amenities of the area.

Policy HG12 of the Adopted Tendring District Local Plan 2007 (part superseded) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and would not represent overdevelopment of the site. The proposed development is considered to be of a design and appearance in keeping with the existing dwelling and therefore complies with Policy HG12.

### 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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal is of a single storey nature and has no significant effect on overlooking or the loss of privacy to the adjacent neighbours.

The proposed extension will be constructed approximately 1 metre from the neighbouring boundary line to the west of the site. Due to its close proximity to this neighbouring property guidelines set out within the Essex design guide have been applied. The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof

would not intercept the adjacent neighbouring property and the proposal therefore has no effect on the loss of light to the neighbouring property west of the site. The proposal is located away from other shared boundary lines and has no effect on the loss of light to the adjacent properties.

### Highway issues

The Proposed garage conversion cannot be considered as a loss of an existing parking space (due to loss of existing garage use) as the existing garage does not meet with Essex County Council Highways requirements for a garage to have internal measurements of at least 7 metres by 3 metres. The existing garage only measures 6.3 metres deep by 2.8 metres wide and is therefore not classed as an acceptable parking space. Furthermore there is a large area to the front of the site which can provide adequate parking. The proposal is therefore considered acceptable in terms of highway safety.

### Other Considerations

Frating Parish Council have provided no comments on the application.

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. HPA.102  
Drawing No HPA.107 Revision A  
Drawing No. HPA.108 Revision A  
Drawing No. HPA 109 Revision A  
Drawing No. HPA.110 Revision A

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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	NO