

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	27.01.2022
Planning Development Manager authorisation:	SCE	28.01.2022
Admin checks / despatch completed	CC	28.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	28/01/2022

Application: 21/02057/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs R Howard

Address: 9 Ferndown Road Frinton On Sea Essex

Development: Extension and conversion of existing garage to form enlarged habitable space, erection of single storey front porch, demolition of existing rear garden room and erection of 2 storey rear extension, erection of new car port and workshop, relocation of existing access and vehicular crossover, changes to fenestration and addition of render and cement board cladding.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
10.01.2022

Recommendation - Approval

2. Consultation Responses

ECC Highways Dept
18.01.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2010. It is noted that the proposal includes the conversion of the existing garage however, provision has been made to provide adequate off-street parking including a new car port, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the new vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access. Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of

the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. The new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. The existing vehicle access shown on drawing no. 10 Rev. A shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

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

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.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. **Planning History**

21/02057/FULHH	Extension and conversion of existing garage to form enlarged habitable space, erection of single storey front porch, demolition of existing rear garden room and erection of 2 storey rear extension, erection of new car port and workshop, relocation of existing access and vehicular crossover, changes to fenestration and addition of render and cement board cladding.	Current
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4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL 6 Strategic Green Gaps

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

Extension and conversion of existing garage to form enlarged habitable space, erection of single storey front porch, demolition of existing rear garden room and erection of 2 storey rear extension, erection of new car port and workshop, relocation of existing access and vehicular crossover, changes to fenestration and addition of render and cement board cladding.

Application Site

The application site comprises a private residential curtilage of some 685m², to the western flank of Ferndown Road. As such, the rear garden of no. 9 faces west over arable land, representing the westernmost development of this area of Frinton, to the south of the railway line. The area is predominantly residential, with private dwellings to the north, east and south. The site is located within a strategic green gap, however as this remains an extension to an existing dwelling is not an issue. There is parking provision for two vehicles at the front of the dwelling.

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 Policy SPL3 aims 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.

The proposed garage conversion would be located to the front of the dwelling, however as the finishing materials and windows would be in keeping with the host dwelling, the impact on visual amenity is acceptable. Whilst this would result in a loss of parking provision, the proposed carport and driveway parking to the front would compensate this reduction.

The proposed porch would be of a scale and design which is sympathetic to the dwelling, with a number of properties within the locale featuring similar ones.

The proposed carport would be located to the right hand side of the principle elevation, measure 4 metres wide by 9.6 metres deep, and have an overall height of 4.2 metres at the pitch. Whilst it is noted that this structure is large, adequate separation from the boundary would remain and would be consistent with the existing building line. The finish would be clad in cement board, which is consistent with the rest of the proposed frontage.

The proposed rear extension would measure 4.3 metres wide, by 6 metres deep with an overall height consistent with the existing ridgeline. The roof form is aligned with an east / west ridge line, enabling the provision of solar PV arrays in a predominantly south facing orientation to maximise efficiency. The extension would be finished in a combination of render and cement boarding, with UPVC windows and doors to provide access and views to the rear garden. The site can accommodate a proposal of this size and scale whilst retaining adequate private amenity space. The design is also consistent and sympathetic to the existing host dwelling materials.

The proposed dropped kerb to the front of the dwelling from Ferndown Road, would measure a width of 4/5 kerbs and provide access to two additional off street parking spaces finished in permeable hardstanding. Therefore, the parking provision is in keeping with the adopted 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 SPL3 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'.

The nearest neighbouring dwellings to the proposal would be 9a and 7 Ferndown Road.

Impact on 9a Ferndown Road

This dwelling is located to the north of the site and the proposed carport would be adjacent to the shared boundary. Whilst the rear extension would however be two storey, it would feature no side-facing windows and would be adequately separated from this dwelling to ensure it would not result in a loss of daylight. As a result, the development is not deemed to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this property.

Impact on 7 Ferndown Road

This dwelling is located to the south of the site and the proposal. However, as the rear extension would marginally protrude beyond the rear extent of this neighbouring property, coupled with the ample separation distance from the boundary. There would also be no first floor side-facing windows to compromise the privacy of this dwelling. As a result, the development is not deemed to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this property.

Highway issues

As the proposal involves the inclusion of a dropped kerb, the highways authority were consulted and provided comments which can be summarised as the following: They were supportive of the proposal and subject to the below outlined conditions, concluded that it would be acceptable in terms of highway safety.

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 plan; Drawing No. 20 Revision B.

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

3. A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the new vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

5. The new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

6. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 The existing vehicle access shown on drawing no. 10 Rev. A shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 9 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 10 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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.

Highways

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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.

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