

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	17/03/2023
Planning Manager / Team Leader authorisation:	AN	21/03/23
Planning Technician final checks and despatch:	ER	22/03/2023

**Application:** 23/00191/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr J Welsh

**Address:** 70 Edenside Kirby Cross Frinton On Sea

**Development:** Proposed conversion of existing integral garage to provide additional living space. Garage door replaced with window and new side window to be installed.

### 1. Town / Parish Council

FRINTON & WALTON  
TOWN COUNCIL                      Recommends - Approval

### 2. Consultation Responses

Not required

### 3. Planning History

15/00700/OUT	Proposed side extension to provide ground floor living room with first floor bedroom & en suite bathroom over to existing dwelling. Proposed new two storey four bedroom house to west of existing house.	Approved	01.07.2015
16/00355/DETAIL	Proposed side extension to provide ground floor living room with first floor bedroom and en-suite. Proposed new two storey dwelling to west of existing house.	Approved	06.05.2016
16/00817/DISCON	Discharge of condition 2 (landscaping) of planning permission 16/00355/DETAIL.	Approved	16.06.2016
16/00930/DISCON	Discharge of condition 7 (Construction Method Statement) of planning permission 15/00700/OUT.	Approved	14.07.2016
23/00085/LUPRO P	Proposed garage conversion.	Withdrawn	01.02.2023
23/00191/FULHH	Proposed conversion of existing integral garage to provide additional living space. Garage door replaced with window and new side window to be installed.	Current	

#### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021 (NPPF)  
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)  
SPL3 Sustainable Design  
CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

#### **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.

#### **5. Officer Appraisal (including Site Description and Proposal)**

##### Application Site

The application site comprises of a two storey detached dwelling with integral garage and front driveway.

The dwelling along with its neighbours are set off of the main highway and accessed via a shared access.

The surrounding dwellings are similar in terms of size and design with some already benefiting from converted garages.

##### Proposal

This application seeks planning permission for the proposed conversion of existing integral garage to provide additional living space. Garage door replaced with window and new side window to be installed.

##### History

Whilst Planning Permission would not normally be required for a minor change as this the original consent for the house removed permitted development rights for the conversion of garages meaning permission is required.

Condition 08 of Planning Permission TEN/1262/87 for "Erection of 105 No. Dwellings and garages with associated works" states:

"Notwithstanding the provisions of Article 3 of the Town and county Planning General Development Order 1977 as amended, there shall be no alternative use of any integral garages without planning permission having first being granted on an application made in that behalf.

Reason - To ensure that adequate vehicle parking facilities are retained on the site"

### Assessment

#### Design and Appearance

The proposal will result in the removal of the existing garage door and replacement with render walls and UPVC windows to match the existing house. This alteration will be publicly noticeable however given its small scale nature and set back from the boundary it would not appear prominently within the streetscene.

It is also noted that located within the vicinity are other properties who have also chosen to convert their garages in a similar way.

The proposal is of a suitable size and design which is inkeeping with the host dwelling and will be finished in materials which are consistent with the host dwelling and others nearby.

The proposal is therefore considered a suitable change which would not adversely impact to the appearance/ character of the host dwelling or streetscene.

#### Highway Safety

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no off street parking spaces should be provided which measure 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 7m by 3m.

The existing garage at present does not meet the above standards and its conversion will result in a loss of parking at the site however the house is set back on its plot with sufficient space for the off street parking of two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

#### Impact to Neighbours

The alterations are of a minor nature and siting away from shared boundaries preventing a significant loss of amenities to neighbouring sites.

#### Other Considerations

Frinton and Walton Town Council have no objections to the proposal.  
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 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk

of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No - 001

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

### NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## 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.