

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	30/03/2023
Planning Manager / Team Leader authorisation:	AN	30/03/23
Planning Technician final checks and despatch:	ER	30/03/2023

Application: 23/00329/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Anthony Crawford

Address: 171 Walton Road Walton On The Naze Essex

Development: Proposed conversion of garage to habitable space, erection of side extension consisting of utility area, garage/storage and porch.

1. Town / Parish Council

Frinton and Walton Town council No objections

2. Consultation Responses

Not required

3. Planning History

23/00329/FULHH Proposed conversion of garage to habitable space, erection of side extension consisting of utility area, garage/storage and porch. 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 semi detached dwelling located within the development boundary.

This area of Walton Road comprises of a variety of detached and semi detached dwellings with many already having side garages with front canopies similar to which is proposed here.

Proposal

This application seeks planning permission for a conversion of garage to habitable space, erection of side extension consisting of new utility area and garage and new entrance porch.

Amendments have been received showing a flat roof design and the use of materials which will be similar in appearance to the host dwelling.

Assessment

Design and Appearance

The proposal will be to the side of the existing house and therefore a noticeable feature within the streetscene.

The proposed enlargements will protrude beyond the front elevation of the host dwelling however will be significantly set back from the front boundary to reduce its prominence. The enlargement will also be single storey in design which will allow it to appear subservient to the main dwelling.

The amendments sought and received change the roof style to a flat roof along with the use of materials which match the host dwelling, this approach will allow the enlargement to appear better in keeping with the existing house and other surrounding development.

The proposal is of a suitable design and scale which will be appropriate to the existing house and finished in materials which are consistent with the host dwelling.

The proposed scheme shows that the extension will protrude past the front wall of the main house which is an approach already present within the local area. It is also noted that the house is not located within a conservation area and has not been awarded listed building status. Whilst the protrusion will have some impact to the existing dwellings appearance it is noted that there is similar development within the area and the minor nature of the proposal will have a limited impact which would not be so harmful as to refuse planning permission upon in this instance.

The alterations are considered appropriate to the existing house and surrounding area and would not result in a detrimental harm in terms the visual amenity of the area or existing house.

Impact to Neighbours

The proposal will not result in a harmful impact to the neighbours to the north west or north east as it will be away from the boundary and predominantly screened by the host dwelling and boundary fencing.

The proposal will be constructed along the boundary shared with 169 Walton Road who also has an existing garage/ canopy to the front. This side wall of the neighbour is absent from any side facing windows. The proposal will therefore not be visible to this neighbour as it will be screened by their existing side wall and preventing it from resulting in a significantly harmful impact to the amenities of this neighbour.

Highway Safety

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

The proposal will result in the loss of the garage and the new garage will not meet the above standards. However the house and development are set back from the front boundary with a large area forward of the house which is of a suitable size to accommodate at least two vehicles in line with the above standards preventing the proposal from contravening highway safety.

Other Considerations

Frinton and Walton Town Council have not objected to the proposal.

One letter of representation has been received highlighting the following concerns;

- Proposed building works are next to the boundary and along side my garage wall,
- Digging of foundations could cause damage to my property/drive way. I feel a survey should be carried out on my property prior the work starting. I feel this will ensure that any potential damage caused can easily be identified, and therefore can't be contested by the builders carrying our the works. Does this fall under the Party Wall etc Act 1996?

The above concerns fall under the Party Wall Act and are a civil matter and are not a material planning consideration to this matter. The complainant and applicant are advised to seek legal advice on this matter.

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.

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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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.