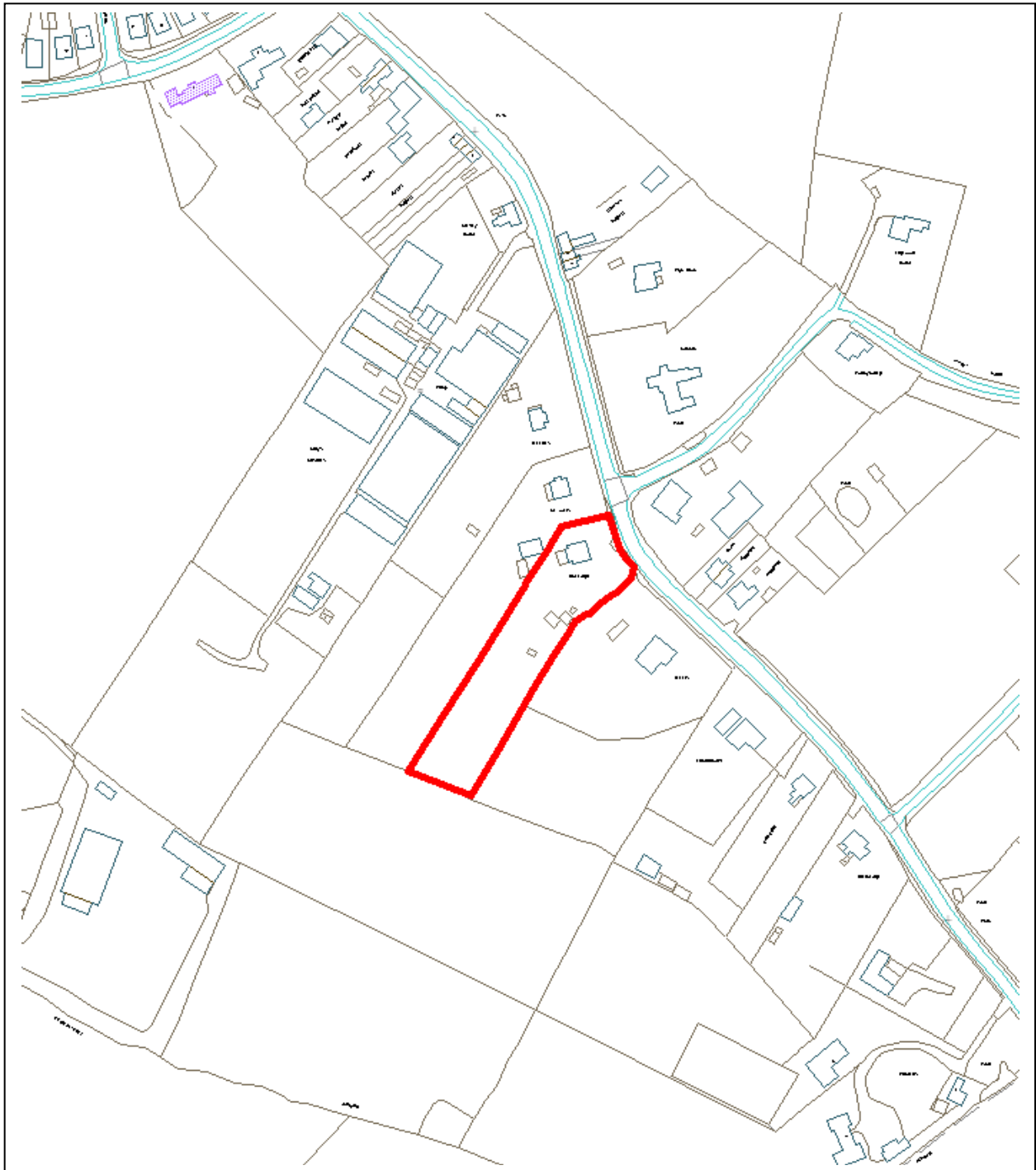


**PLANNING COMMITTEE**

**1 APRIL 2014**

**REPORT OF THE HEAD OF PLANNING**

**A.3 PLANNING APPLICATION - 14/00189/FUL - FORMER TUDOR LODGE  
CLACTON ROAD, WEELEY HEATH, CLACTON ON SEA, CO16 9EF**



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|---------------------|--|---|
| <b>Application:</b> | 14/00189/FUL   | <b>Town / Parish:</b> Weeley Parish Council |
| <b>Applicant:</b>   | Mr D Thompson  |   |
| <b>Address:</b>     | Former Tudor Lodge, Clacton Road, Weeley Heath, CO16 9EF   |   |
| <b>Development:</b> | Erection of 1 No. detached two-storey dwelling with attached swimming pool complex and erection of detached triple garage with storage over & barbeque area. |   |

## 1. Executive Summary

- 1.1 Planning permission was granted on 5 August 2010 for the erection of 1 no. detached two-storey dwelling (following demolition of existing dwelling) and erection of detached triple garage, under ref. 10/00651/FUL. As a result, the principle of a replacement dwelling in this location has already been accepted.
- 1.2 Following commencement of development the Council's Planning Enforcement team received a complaint that the approved development was not being built in accordance with the approved plans. Subsequently, planning permission has been granted to regularise the window and doors positions within the dwelling, under ref. 13/01275/FUL.
- 1.3 In an attempt to regularise the remaining unauthorised works, namely the swimming pool complex to the rear of the dwelling, the barbeque outbuilding, and alterations to the triple garage, the applicant has submitted this application.
- 1.4 Officers consider that the proposed swimming pool complex, barbeque building, and alterations to the triple garage (as built) are acceptable, and do not adversely affect neighbouring residential amenity or visual amenity to such an extent to warrant refusal.

### **Recommendation: Approve**

#### **Conditions:**

1. Development in accordance with submitted plans
2. Use of materials (for dwelling and garage as previously approved)
3. Boundary treatment (as previously approved)
4. Hard and Soft Landscaping (as previously approved)
5. Protective fencing for existing trees to be retained during construction works (as previously approved)
6. Driveways and parking areas to be made of porous materials, or direct run-off water to permeable area.
7. Any gates erected to be set back 6m from highway and open inwards.
8. First floor windows on north-west elevation (facing The Towers) marked as obscure glazed on the submitted drawing to be glazed as such prior to occupation of the dwelling, and thereafter retained.
9. Roof covering of swimming pool complex to be Marley Modern concrete interlocking tile, smooth grey colour
10. Roof covering of barbeque building to be natural slate
11. Garage roof-light amendments to be undertaken within 2 months of planning permission being granted
12. Before the installation of any swimming pool plant equipment, details to be submitted to

- the local planning authority including acoustic rating required to ensure residential amenities of occupiers of The Towers are not adversely affected.
13. Remove permitted development rights for any further window openings in the rear roof slope of the triple garage building.

## 2. **Planning Policy**

### National Policy

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014)

### Local Plan Policy

*Tendring District Local Plan (2007)*

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG9 Private Amenity Space
- HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
- HG14 Side Isolation
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

*Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)*

- SD5 Managing Growth
- SD8 Transport and Accessibility
- SD9 Design of New Development
- PEO4 Standards for New Housing

### Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## 3. **Relevant Planning History**

10/00651/FUL - Erection of 1no. detached two-storey dwelling (following demolition of existing) and erection of detached triple garage – Approved 05.08.2010

13/01275/FUL - Variation of condition 02 of approved planning permission 10/00651/FUL to regularise window and door positions on the dwelling – Approved 07.02.2014

#### **4. Consultations**

##### Weeley Parish Council

4.1 Objects to the application on the following grounds:

- The decision notice for the 2010 application stated that any trees which were lost would be replaced with others of a similar species and height. This has not been done.
- This latest application encompasses a myriad of infringements from previous applications - some 18 in number. Would have permission been granted for this development had an accurate picture of the final scheme been submitted?
- What is the ultimate intended use of this building?
- The first floor plan for the garage is incompatible with its supposed use as a store.
- Flooding to a neighbour's garden has been apparent since this building work started, giving rise to concerns that building regulations have not been complied with.

##### Essex County Council Highway Authority

4.2 No objection.

#### **5. Representations**

5.1 One letter of objection has been received. The objection is summarised as follows:

- Garage overbearing and inappropriate and affects enjoyment of amenity land
- Would like all 3 roof-lights in garage to be moved to front roof slope
- Swimming pool complex completely overbearing and completely destroys ability to enjoy amenity/recreational land
- Area where house and swimming pool complex is located results in overlooking and loss of privacy
- The proposed development completely destroyed view of previous trees and greenery and enjoyment of amenity land and had a severe detrimental effect on the aesthetics of the use of the garden and amenity land
- Swimming pool complex would not be permitted development even if the house had accrued permitted development rights
- Barbeque garden building is overbearing and constitutes over development of an already heavily developed site and destroys enjoyment of amenity land and the view of the countryside
- Original application showed existing trees to be kept to screen the development – these have been removed and not replaced but replaced with conifer's
- The proposed dwelling is set back from the established building line which results in overlooking and being overbearing and ruin enjoyment of recreational land

#### **6. Assessment**

6.1 The main planning considerations are:

- Planning History;
- Principle of Development;
- Design and Appearance;
- Residential Amenity; and,
- Other Issues.

## Planning History

- 6.2 Planning permission was granted on 5th August 2010 for the erection of 1 no. detached two-storey dwelling (following demolition of existing dwelling) and erection of detached triple garage, under ref. 10/00651/FUL.
- 6.3 Following commencement of development the Council's Planning Enforcement team received a complaint that the approved development was not being built in accordance with the approved plans. On investigation the following changes to the approved plan have been identified:
- 6.4 *House Modifications*
1. Main Roof - Side projection to Bed 4 and 5 removed.
  2. Master Bedroom - Full height feature window plus side window.
  3. Dressing Room - 4 module window in lieu of 3 – Same width.
  4. Bedroom 2 - 5 module window in lieu of 4 – Same width.
  5. Bedroom 3 - No bay window – Flat 5 module – Same width.
  6. Bedroom 4 - 5 module window in lieu of 4 – Same width.
  7. Bedroom 5 - 5 module window in lieu of 3 – Slightly larger opening to match Study below.
  8. Kitchen/Dining - Extra single module side window plus deeper window facing boundary. Door and window to rear in lieu of large window. Door giving access to Pool Complex. 5 module shallower window looking over garden. Same opening size. Kitchen units moved to this location. Sink location overlooking garden.
  9. Gym/Study - 5 module window in lieu of 4 – Same width.
  10. Porch/Lobby - Single entrance door in lieu of pair.
  11. Staircase - Ground floor – 3 fixed module full height glazed units in lieu of pair of doors – Same size opening.
  12. Pool - Pool Complex linked to rear of building; 22.8m x 7.4m. Eaves at 2.725m and Ridge 4.15m. Roof not on. Bricklayers have but 3 extra courses on. If these were removed then the eaves would be 2.5m and ridge would be 3.875m.
- 6.5 *Garage Modifications*
1. Larger - 1.8m wider, 1m deeper and 1.3m higher.
  2. Location - 900mm closer to house and road. 500mm closer to boundary.
  3. Internal Ground Floor - Garage split into single bay where motorbikes are stored. Rear internal door gives access to corridor leading to staircase. Sink/drainage for hand washing.
  4. Double Bay – Increase in garage width enables all car doors being able to be opened without collision.
  5. First Floor - Staircase leads up to storage area with sink/drainage and WC. 2 obscure glazed velux roof windows set over stairs. First floor landing storage area has one velux over (obscure glazed). When the window is open the wood surround is 1800mm above floor level. This area measures 25m<sup>2</sup> including WC etc.
- 6.6 In addition, a garden outbuilding (barbeque area) has also been erected without planning permission. It is noted that notwithstanding permitted development rights (which are only accrued once the dwellinghouse has been completed and occupied), this garden building would require planning permission in its own right as the height exceeds the permitted development allowance, which is 4 metres.
- 6.7 The applicant was issued with a Temporary Stop Notice on 31st October 2013, which expired on 29th November 2013.

- 6.8 In an attempt to regularise the various breaches of planning control, the applicant has submitted an application to regularise the window and door positions within the dwelling (Ref. 13/01275/FUL). This planning application was presented to the Planning Committee on 7<sup>th</sup> January 2014, and 4<sup>th</sup> February 2014 following amendments sought to the north-west elevation, with planning permission granted on 7th February 2014.
- 6.9 This current application has been submitted in an attempt to regularise the remaining breaches of planning control, being the swimming pool building, the garden outbuilding and the triple garage with store over. However to be clear, the application description is for the erection of 1 no. detached two-storey dwelling with attached swimming pool complex (and erection of detached triple garage with storage over and barbeque area), as the application submission proposes the attaching of the swimming pool complex to the dwellinghouse, rather than it remaining as a detached swimming pool building, and therefore given that this changes the approved drawings for the dwelling granted under 13/01275/FUL, the current application has been submitted for the erection of the two-storey dwelling.

### **Principle of Development**

- 6.10 Given that the application as submitted is for the erection of 1 no. two-storey detached dwelling, the principle of the development must be assessed. As previously stated, planning permission was previously granted on 5th August 2010 for the erection of a 5-bedroom two-storey detached dwelling following the demolition of the existing Tudor Lodge under ref. 10/00651/FUL. This planning permission forms a material planning consideration in the determination of this current application.
- 6.11 Although outside of the defined settlement boundary of Weeley Heath when permission was granted in August 2010, as the application proposed the replacement of the existing Tudor Lodge, the principle of the development, being a replacement dwelling with no net increase in dwelling units, was considered to be acceptable as the proposed dwelling was considered to be in accordance with those relevant policies contained within the Tendring District Local Plan 2007, most notably policies HG12, QL9, QL11 and HG14, in that the development respected the character of the locality and owing to its siting, scale and fenestration layouts, the dwelling was not considered to reduce the amenities enjoyed by occupants of neighbouring properties, would not result in the loss of any significant trees and was acceptable in terms of highway safety and convenience.
- 6.12 The application site is still outside of the defined settlement boundary of Weeley Heath within the Tendring District Local Plan Proposed Submission Draft (November 2012). Although no specific policy for the replacement of dwellings outside of settlement development boundaries is contained within the emerging Local Plan, policy SD5 'Managing Growth' refers to this issue, and states the one for one replacement of existing dwellings in the countryside will be permitted subject to detailed consideration against other policies in the Local Plan. As a result, the principle of the development is acceptable, but careful consideration must be given to other material matters such as impact on neighbouring residential amenity, and design and appearance.

### **Design and Appearance**

- 6.13 Although the applicant has submitted an application for the two-storey dwelling, the only changes to the dwelling granted planning permission under 10/00651/FUL and subsequently 13/01275/FUL is the attachment of the swimming pool complex building. A ground floor external door from the rear of the dwelling into the swimming pool building was approved under 13/01275/FUL. No other changes to the external appearance or internal layout of the dwelling is proposed, and the footprint of the dwelling is as the original approved plans.

- 6.14 With regards to the swimming pool building, this building comprises a small link from the main dwelling to the swimming pool area, which serves as a link which houses a changing room and 2 no. W/Cs. The internal floor measurement of the link equates to 12 square metres, with an eaves height of 2.2 metres and a ridge height of 3.2 metres. The link provides for double doors out into the main rear courtyard area of the dwelling, and 2 no. obscure glazed windows facing the north-west boundary of the site serving the W/Cs.
- 6.15 The main swimming pool area comprises a swimming pool measuring 5 metres by 9 metres, and 1.5 metres deep. This area also includes a sauna room, Jacuzzi, and plant room. The external measurements of this area are 18.76 metres long, by 7.4 metres wide, with an eaves height of 2.2 metres and overall ridge height of 3.8 metres with a 20 degree pitched roof. The swimming pool area provides for fenestration openings out into the main rear courtyard area of the dwelling, with no windows or doors to the north-west facing elevation.
- 6.16 The overall depth of the swimming pool area and link from the rear elevation of the dwelling is measured at approx. 22.8 metres.
- 6.17 The swimming pool building has in part already been erected (to eaves height), using matching bricks to that used in the main dwelling. The roof covering would be a modern concrete interlocking tile smooth grey in colour.
- 6.18 The swimming pool building, being to the rear of the dwelling, is not easily visible from the public highway to the front of the site. This element of the proposal therefore does not have any adverse impact upon visual amenity. The bricks used in the construction match the main dwelling, and the use of a different roof tile, and contrasting roof pitch from the main dwelling, gives the building a sense of individuality, and with the small link, reads almost as a separate building, breaking up the mass of the building as a whole.
- 6.19 The design and appearance of the swimming pool building, being attached to the main dwelling, is considered to be acceptable.
- 6.20 With regards to the garden outbuilding, this is a barbeque area with low level brickwork, and a natural slate roof supported by timber posts. This building measures approx. 5.9 metres by 8.5 metres, with a ridge height of approx. 4.4 metres. This outbuilding has in part already been built (roof trusses erected but no roof slates added), and is located within the rear garden of the dwelling, approx. 3 metres off the boundary with the property to the south-east.
- 6.21 The garden outbuilding, being to the rear of the dwelling, is not easily visible from the public highway to the front of the site. This element of the proposal therefore does not have any adverse impact upon visual amenity. The bricks used in the construction match the main dwelling, and the use of a different roof covering, gives the building a sense of individuality.
- 6.22 The design and appearance of the garden outbuilding is considered to be acceptable.
- 6.23 With regards to the triple garage with storage over, the garage modifications from that previously approved under 10/00651/FUL are outlined above under paragraph 6.5. The triple garage as submitted therefore measures 8.6 metres in depth by 11.3 metres wide, and a ridge height of 6.3 metres with a 40 degree roof pitch. The garage provides for 3 parking spaces at ground floor level, with first floor accommodation described within the application as being a gardener's rest room and store. The first floor accommodation provides a sink for washing and tea making facilities, and a W/C. The submitted drawings indicates one existing obscured glazed roof-light to be fixed shut in the rear facing roof slope to light the internal stairs, and two obscure glazed roof-lights in the front facing roof slope to light the first floor accommodation (currently 3 roof-lights are located within the rear

facing roof slope). No other windows are proposed within the triple garage at ground floor or first floor.

- 6.24 The triple garage remains in the same position as that approved under 10/00651/FUL, although slightly wider, deeper and higher. The garage remains approx. where the previous dwelling was located within the application site, sited approx. 6 metres from the front boundary of the application site to the highway. The enlarging of the footprint of the garage has resulted in the garage being closer to the joint boundary with the neighbouring property to the north-west, being a minimum of 0.95 metres from the boundary. However, notwithstanding the increase in the footprint of the triple garage and its closer proximity to the joint boundary, the siting of the triple garage, which has been constructed using matching materials to that used in the main dwelling, is considered to be acceptable and does not adversely affect visual amenity.
- 6.25 As described, the triple garage is approx. 1.3 metres higher than previously approved, and has been constructed using a 40 degree pitched roof rather than a 35 degree pitched roof. The change in the roof pitch allows for accommodation with the roof space.
- 6.26 It is noted that the approved landscaping scheme requires the planting of a mixed native species hedgerow to the sites frontage, and two new *Sorbus aucuparia* (Rowan) trees which when mature can reach 20 metres in height. This together with the back drop of existing trees on the neighbours side of the boundary fence, the distance back from the highway within the site, and the lower level of the site from that of the highway in front of the application site, the increase in height of the triple garage of 1.3 metres, is not considered to materially affect the visual amenities of the area to such a degree as to warrant a refusal of planning permission.

### **Residential Amenity**

- 6.27 The swimming pool building, being 22.8 metres in length, would not have amounted to permitted development as an extension to the dwelling even if the dwelling had accrued permitted development rights, as the current permitted development rights allows for an extension to a detached dwelling to be 8 metres in length. However, it is noted that if the dwelling had accrued permitted development rights and if the swimming pool building was a detached outbuilding, as it currently is, the swimming pool building would be treated as permitted development, as the building is over 2 metres from the boundary with the neighbour, and is no higher than 4 metres with a pitched roof.
- 6.28 Irrespective of this point which has been made by the applicant's agent, the proposal is to attach the building to the dwelling which requires planning permission, and as such careful consideration is required as to whether the proposed building would have an adverse impact on the residential amenities of the neighbouring property.
- 6.29 The swimming pool building has in part been erected. The building is currently to eaves height and measures approx. 2.55 metres. The submitted plans indicates the removal of the top 3 brick courses to reduce the height of the eaves level to approx. 2.2 metres, and therefore the ridge height would be approx. 3.8 metres.
- 6.30 This building has been measured to be 3.6 metres from the joint boundary (link being 5.3 metres) with The Towers, set behind a new boundary fence approx. 1.85 metres in height. Conifer hedging has also been planted between this fence and the swimming pool building, which currently measures between (approx.) 1.8 and 2.2 metres. This hedging continues alongside the entire side boundary.
- 6.31 It is noted that no fenestration is proposed within the flank wall or roof slope facing The Towers, and the swimming pool building is some distance from the main dwelling at The



Towers, although it is appreciated the main recreational garden associated with The Towers is directly adjacent to the swimming pool building.

- 6.32 However, although the eaves and roof of the swimming pool building will be seen from the garden of the neighbouring property, given that this is a single-storey building, with the roof sloping away from the neighbours property, this part of the proposal is not considered to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this neighbouring property, and is therefore not contrary to policy SD9 (Part C) of the emerging Local Plan.
- 6.33 The rear element of the swimming pool building contains the plant room. No details have been provided with regards to the type of plant equipment required. As a result, and to ensure residential amenities are not adversely affected by way of noise outbreak, a condition would be imposed to require further details of the plant equipment and any necessary sound proofing of this plant room.
- 6.34 The garden outbuilding is located approx. 3 metres from the boundary with The Oaks to the south-east, and approx. 19 metres from the boundary with The Towers to the north-west.
- 6.35 Although located 3 metres from the boundary with The Oaks, the application site is enclosed by a fence approx. 1.85 metres in height, and the barbeque building is some distance from the main dwelling at The Oaks. Likewise, the barbeque building is some distance from the main dwelling at The Towers, and a considerable distance from the boundary of this property.
- 6.36 As a result, it is considered that the garden outbuilding will not have a materially adverse impact upon the residential amenities of neighbouring properties.
- 6.37 The triple garage as previously described is 1.8m wider, 1 metre deeper and 1.3 metres higher. The garage is approx. 0.5m closer to the boundary with the neighbouring property at The Towers.
- 6.38 However, although the garage is closer to the joint boundary, the garage is approx. 14 metres from the side elevation of The Towers, and given this separation distance and that the roof from eaves level slopes away from the neighbouring property, it is considered that the increased height, depth and width of the garage and its proximity being closer to the joint boundary does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this neighbouring property, and is therefore not contrary to policy SD9 (Part C) of the emerging Local Plan.
- 6.39 The triple garage as built provides an obscure glazed roof-light above the stairs at ground floor level, one at first floor level above the stairs, and one at first floor level to the storage area. All existing roof-lights are on the rear facing roof slope facing the neighbouring property at The Towers. All roof-lights are currently capable of opening.
- 6.40 The application submission amends these roof-lights. The two roof-lights at first floor level have been moved and located within the front facing roof slope (facing into the site), with the roof-light above the stairs at ground floor level remaining, but to be screw fixed shut. As a result, it is considered the proposed roof-lights within the garage roof do not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this neighbouring property, and is therefore not contrary to policy SD9 (Part C) of the emerging Local Plan.

### Other Issues

- 6.41 Comments have been raised with regards to loss of trees and vegetation, especially to the site's frontage in the proximity of the triple garage with the boundary to The Towers. The landscape scheme was approved in writing by the Council on 26 April 2012 under drawing no. 1522-04D. This drawing indicates those trees to be retained, including new tree and hedgerow planting to the sites frontage. This drawing indicates existing mature trees and hedges within the ownership of The Towers, but does not indicate any retained trees within the application site (in this particular location of the site). The landscape drawing includes the planting of 2 new Rowan trees, but it is understood these have yet to be planted as the site frontage is currently being used for parking and storage of construction equipment and vehicles.
- 6.42 As previously stated, planning permission was originally granted under 10/00651/FUL and subsequently 13/01275/FUL. All pre-commencement conditions have been discharged.
- 6.43 The proposal accords with Government guidance in 'Greater Flexibility for Planning Permission' 2009 and is considered to be acceptable in terms of residential, design and visual amenity.
- 6.44 Government guidance in 'Greater Flexibility for Planning Permission' 2009 states where an application under s73 is granted, the effect is the issue of a fresh grant of permission, a decision notice describing the new permission should be issued, setting out all the conditions pertaining to it.
- 6.45 As a result, all relevant conditions will need to be imposed upon any new grant of planning permission, and a new decision notice issued for the entire development.

### Background Papers

None.