

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/07/2018
Planning Development Manager authorisation:	AN	12/7/18
Admin checks / despatch completed	SB AP	16/07/18 16/7/18

Application: 18/00807/FUL

Town / Parish: Clacton Non Parished

Applicant: Ms Dorne Kanareck

Address: 6 Fernwood Avenue Holland On Sea Clacton On Sea

Development: Erection of 2 no. 2 bedroom semi-detached purpose built disabled bungalows - shared driveway with available turning points.

1. Town / Parish Council

Clacton - non parished.

2. Consultation Responses

Adult Social Care No comments received.

Building Control and
Access Officer The agent will need to show how the proposals meet the requirements for fire fighting access.

ECC Highways Dept The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposal fails to provide a vehicular access of sufficient width to enable vehicles to pass unopposed. The proposal is likely to lead to vehicles reversing into the highway contrary to highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

As far as can be determined from the submitted plans the proposal fails to provide a reasonable degree of intervisibility between users of the access and those already within the highway which will constitute a danger to pedestrians and motorists contrary to highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

As far as can be determined from the submitted plans the proposal would lead to intensification of use of the site without adequate turning facilities. The proposal would therefore give rise to vehicles reversing into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

As far as can be determined from the submitted plans the proposal does not include sufficient parking facilities for vehicles which would give rise to vehicles being left in such a manner as to cause obstruction of the highway contrary to the interests of highway safety, particularly pedestrians and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

3. Planning History

17/30306/PREAPP	Proposed 2no two bedroom dwellings.	Refused	22.01.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF 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 216 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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 worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 6 Fernwood Avenue, Holland on Sea a west facing detached bungalow within the Settlement Development Boundary for the area.

Description of Proposal

The application seeks full planning permission for the severance of the plot to create 3 plots and the erection of 2 no. 2 bedroom semi-detached purpose built disabled bungalows within the existing rear garden of 6 Fernwood Avenue. The existing driveway is to be continued down into the site to create a shared driveway.

Assessment

The main considerations are;

- Principle of Development;
- Purpose Built Disabled Housing;
- Backland Residential Development;
- Highway Considerations and Parking; and,
- Representations.

Principle of Development

The site and area of the proposed dwellings is situated within the Settlement Development Boundary of Holland on Sea.

Policy HG3 of the adopted Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, and parking and highway safety criteria, as appropriate, and can take place without material harm to the character of the local area.

The detailed considerations relevant to the proposal are set out below.

Purpose Built Disabled Housing

No supporting information has been provided with the application to explain or justify the proposal in policy terms.

Paragraph 50 of the National Planning Policy Framework requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as people with disabilities.

The adopted Tendring District Local Plan (2007) does not include any specific policies that deal with disabled housing.

The emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) Policy LP2 states that the Council will support residential accommodation aimed at meeting the future needs of older or disabled residents. Furthermore, emerging Policy LP10 states that the Council will support extra care housing within settlement development boundaries. These policies are subject to consideration of other Local Plan policies.

Backland Residential Development

Paragraph 58 of the National Planning Policy Framework requires that development should "respond to local character and history, and reflect the identity of local surroundings and materials". Paragraph 60 adds that it is "proper to seek to promote or reinforce local distinctiveness". Similarly, Saved Tendring District Local Plan (2007) Policy HG13 on "Backland Residential Development" requires that proposals for residential backland development should meet all the criteria listed therein. This is carried forward into Draft Policy LP8 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The criteria set out within Saved Policy HG13 can be addressed as follows;

"Proposals for the residential development of "backland" sites will be permitted where all of the following criteria are met:

- (i) the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;

The site is within the defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use. This criterion is therefore met.

(ii) where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;

- Off-street Parking

To accord with the Council's adopted parking standards new dwellings of 2+ bedrooms would need to be served by 2 parking spaces and the donor dwelling served by 2 also. Each space is required to be 2.9m x 5.5m in size.

No parking provision has been allocated to the donor dwelling. No parking bays are shown on the proposed plans and the areas annotated as 'disabled parking' are insufficient to provide 4 useable parking spaces together with the required turning areas. The shared access could not be restricted by the parking of vehicles for the donor dwelling and the space to the front of the donor dwelling is too small to accommodate 2 parking spaces in accordance with the above standards.

Therefore, the parking is wholly unacceptable. See Highway Considerations below.

- Private Amenity Space

To accord with Saved Policy HG9 of the adopted Tendring District Local Plan 2007 the following minimum garden sizes would be required;

1 bedroom = 50 square metres

2 bedroom = 75 square metres

3 or more bedrooms = 100 square metres

The garden area retained for the donor dwelling (understood to be a 2 bed dwelling) is in excess of 75 square metres required by policy. However, the proposed dwellings have no private amenity space provision which is therefore wholly unacceptable.

- Impact on Residential Amenities

Saved Policy QL11 of the Tendring District Local Plan (2007) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed dwellings are sited 1 metre from the shared boundary with number 8 to the north. The development of 2 dwellings in this location, regardless of their single storey scale and set in from the shared boundary, would result in 26 metres of built form extending almost the full length of the garden of number 8 Fernwood Avenue. Due to the orientation of the site and the depth of the dwellings, the development would also result in a harmful loss of outlook, loss of light and overshadowing to this neighbour. There are 8 windows proposed within the elevation facing number 8 (albeit 2 being obscure glazed wet rooms) resulting in a perception of being overlooked and a wholly unneighbourly relationship.

Furthermore, the future occupants of the proposed dwellings would have a very poor outlook to the boundary fence and front parking area, plus no amenity area (as outlined above). The impact of the proposed development on existing and future occupants is therefore wholly unacceptable.

(iii) a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;

The proposal comprises a long and narrow driveway in close proximity to number 4 Fernwood Avenue alongside the donor dwelling just over 3 metres in width. The development has the potential to cause undue disturbance to the existing and future occupants of the dwellings from the additional traffic movements resulting from the development. The development is therefore considered to fail this criterion.

- (iv) the proposal does not involve "tandem" development using a shared access;

The proposal would involve "tandem" development and the dwellings would be served by a shared access therefore failing this criterion.

- (v) the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

This criterion is not considered applicable in this instance.

- (vi) the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and

The site is not on the edge of the defined limits nor will it produce a hard urban edge. However, the development is considered out of character in its setting given the linear, road frontage character of the existing dwellings (addressed in more detail below under (vii) below).

- (vii) the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

- Character of the Area

The main character of this area is linear residential development with an established front building line. This characteristic is quite prominent and exists in the roads adjacent and the majority of this part of Holland overall. The large majority of dwellings also have substantial rear gardens giving an overriding character of frontage linear residential development on spacious plots. The character of the proposal would be non-frontage development and overall is considered out of character due to its backland nature and the resultant harm on all grounds set out above.

Highway Safety

The Highway Authority raises an objection to the application for the following reasons;

- Narrow and insufficient width of the access leading to vehicles reversing into the highway.
- Unreasonable degree of intervisibility between users of the access and those already within the highway which will constitute a danger to pedestrians and motorists.
- The proposal would lead to intensification of use of the site without adequate turning facilities.
- The proposal does not include sufficient parking facilities for vehicles which would give rise to vehicles being left in such a manner as to cause obstruction of the highway contrary to the interests of highway safety.

The access, parking and turning is therefore wholly unacceptable.

Representations

The site is within the non parished area of Clacton on Sea.

11 letters of objection have been received. The concerns raised can be summarised and addressed as follows;

- Loss of light.
- Loss of privacy.
- Loss of outlook.
- Overbearing.
- Noise and disturbance.
- Overdevelopment.
- No access for delivery or emergency vehicles.
- Lack of parking.
- Out of keeping.
- Pressure on existing services and utilities.

- Too close to boundary.
The unacceptable impact of the development in relation to neighbouring amenity, the character of the area and highways are all addressed in the main report above.
- Dirt and disruption during building works.
This is an inevitable part of the construction process and cannot constitute a reason for refusal.
- Will result in overpopulation.
- Devalue properties.
- Profit driven development.
- Loss of views.
These are not material planning considerations.

Conclusion

Having regard to the wholly unacceptable nature of the proposal in relation to the harm to the character of the area, insufficient parking, unacceptable access arrangements, impact on neighbouring amenity and the poor standard of living and amenity for the existing and future occupants of the dwellings, the application is recommended for refusal. There are no benefits from the creation of 2 disabled bungalows that outweigh the demonstrable harm.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 Paragraph 58 of the National Planning Policy Framework requires that development should "respond to local character and history, and reflect the identity of local surroundings". Paragraph 60 adds that it is "proper to seek to promote or reinforce local distinctiveness". Similarly, Saved Tendring District Local Plan (2007) Policy HG13 on "Backland Residential Development" requires that proposals for residential backland development should meet all the criteria listed therein. This is carried forward into Draft Policy LP8 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Furthermore, Paragraph 17 the National Planning Policy Framework confirms that one of the core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL11 of the Tendring District Local Plan (2007) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The main character of this area is linear residential development with an established front building line. This characteristic is quite prominent and exists in the roads adjacent and the majority of this part of Holland overall. The proposal would involve "tandem" development served by a shared access. The character of the proposal would be non-frontage development of a cramped nature creating 2 additional dwellings in the rear garden of an existing property providing no private amenity space and insufficient off street parking for the donor and new dwellings.

The development of 2 dwellings in this location would result in 26 metres of built form extending almost the full length of the garden of number 8 Fernwood Avenue resulting in a significant loss of outlook, loss of light and overshadowing to this property. Furthermore, the development would introduce 8 windows (albeit 2 being obscure glazed wet rooms) adjacent to the boundary with number 8 Fernwood resulting in a perception of being severely overlooked and a wholly unneighbourly relationship. This arrangement would also result in a very poor outlook for the future occupants of the proposed dwellings.

The proposal comprises a long and narrow driveway in close proximity to number 4 Fernwood Avenue alongside the donor dwelling approximately 3 metres in width. The

development has the potential to cause undue disturbance to the existing and future occupants of the dwellings from the additional traffic movements resulting from the development in such close proximity.

Having regard to the wholly unacceptable nature of the proposal in relation to the harm to the character of the area, insufficient parking, unacceptable access arrangements, impact on neighbouring amenity and the poor standard of living and amenity for the existing and future occupants of the dwellings, the application is contrary to the aims and aspirations of the afore-mentioned national and local plan policies.

- 2 Paragraph 32 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all people. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Furthermore, saved Policy TR7 requires suitable parking to be provided in accordance with the adopted Essex County Council Parking Standards 2009.

The proposed development would be served by a narrow access of insufficient width to allow vehicles to pass. The proposal would lead to intensification of use of the site without adequate access or turning facilities leading to vehicles reversing into the highway. The development fails to provide sufficient parking facilities for the donor or new dwellings which would give rise to vehicles being left in such a manner as to cause obstruction of the highway. Furthermore, there would be an unreasonable degree of intervisibility between users of the access and those already within the highway which will constitute a danger to pedestrians and motorists.

The proposal is contrary to the interests of highway safety therefore failing to comply with the afore-mentioned national and local plan policy.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.