

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | NH | 17/09/2018 |
| Planning Development Manager authorisation: | AN | 17/9/18 |
| Admin checks / despatch completed | W | 18/9/18 |

gk

Application: 18/01207/FUL **Town / Parish:** Alresford Parish Council

Applicant: Mr & Mrs R Smith

Address: 182 Wivenhoe Road Alresford Colchester

Development: Detached outbuilding for garage, home office and hairdressing, new boundary fence and landscaping.

1. Town / Parish Council

Alresford Parish Council Do not object to the application.

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative1: 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.

Tree and Landscaping Officer

The front boundary of the application site is demarcated by a low hedge and specimen trees the most significant of which is an established Oak.

The Oak is a mature healthy specimen which makes a good contribution to the appearance of the area and to the character of the public realm. It is situated beneath overhead power cables and appears to have been regularly reduced in size to provide clearance between the canopy of the tree and the cables.

The tree is a positive feature in the street scene.

Given the size and position of the tree in relation to the proposed new structure and taking into account the historic maintenance regime of pruning works the implementation of the development proposal would be unlikely to compromise the viability or long term retention of the tree.

Should planning permission be likely to be granted then the retention of the vegetation, including trees, on the boundary will be important to maintain the current level of screening that they provide.

Should planning permission be likely to be granted then details of soft landscaping proposal should be secured by condition to maintain and improve the current level of screening.

3. Planning History

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| 99/00683/FUL | Demolition of existing garage. Proposed new side extension and detached double garage. | Refused | 07.07.1999 |
| 99/01215/FUL | Demolition of existing garage, proposed two storey side extension. | Approved | 17.09.1999 |
| 99/01799/FUL | Side extension to dwelling - revised proposal of approved application TEN/99/01215/FUL | Approved | 10.01.2000 |
| 89/00256/FUL | Alterations and extensions | Approved | 10.03.1989 |
| 12/60522/HOUEN Q | remove internal garage door and fit new glass door and side panel to fit existing opening to allow area for one person to carry out part time hairdressing | | 13.12.2012 |
| 18/01207/FUL | Detached outbuilding for garage, home office and hairdressing, new boundary fence and landscaping. | Current | |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. They raise 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 48 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is 182 Wivenhoe Road, Alresford which is a one and a half storey dwelling located within the development boundary of Alresford. The character of the area is characterised by various detached residential dwellings set back from the highway.

Proposal

This application seeks planning permission for the erection of a detached outbuilding for a garage, home office, hairdressing and new boundary fence and landscaping. The proposal will measure 6.15 metres in width, 7 metres in depth with an overall height of 4.7 metres

Assessment

The main considerations of this application will be the visual impact in the street scene, the impact on neighbouring amenities and highways.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to its siting to the front of the property the proposal will clearly be visible from the street scene and naturally impact upon the character of the surrounding area. The existing street scene is well defined, is linear and with a fixed building line. It is considered that due to the height and bulk of the proposal and there being no other nearby examples of structures in the front curtilages, the

proposal will neither protect nor enhance the areas existing character and would set a harmful precedent within the area to the detriment of the character of the area.

Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will be visible to the adjacent neighbour to the west and it will be situated approximately 8.6 metres away from the neighbouring boundary. Due to the single storey nature and the hipped roof which will slope away the proposal will not have any significant impact upon the neighbouring amenity.

The proposal will be visible to the neighbouring to the east and it will be situated approximately 1 metre to the neighbouring boundary. Due to the single storey nature and the hipped roof which will slope away from the neighbouring dwelling it is considered that the proposal will not cause any significant impact upon the neighbouring amenities.

Highways

Essex County Highways have been consulted on this application and do not raise any objections. The proposal will introduce a garage element which will measure 7 metres by 3 metres. The proposal is therefore in line with Essex Parking Standards. There is also ample parking available to accommodate two parking spaces measuring 5.5 metres by 2.9 metres. The proposal is therefore considered acceptable in terms of parking amenity.

Trees and Landscaping

The trees and landscaping officer has been consulted on this application and has stated that the established Oak to the front of the application site is a positive feature within the street scene and appears to have been regularly reduced in size to provide clearance between the canopy of the tree and the cables. The officer has stated that the proposal in relation to the siting of the tree would be unlikely to compromise the viability or long term retention of the tree. It has been recommended that a condition be imposed for the retention of the vegetation including the trees along the boundary to maintain the existing level of screening. It has also been recommended that a soft landscaping condition should be imposed to maintain and improve the current level of screening.

Other Considerations

Alresford Parish Council do not object to this application.

There have been no other letters of representation received.

Conclusion

For the reasons set out above, the proposed development would be contrary to the aims and aspirations of the afore-mentioned policies and is therefore recommended for refusal.

6. **Recommendation**

Refusal - Full

7. **Conditions / Reasons for Refusal**

- 1 The National Planning Policy Framework ("the Framework") attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. "Emerging" Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

Due to its siting to the front of the property the proposal will clearly be visible from the street scene and will impact upon the character of the surrounding area. The existing street scene is well defined, is linear and with a fixed building line. It is considered that due to the forward siting, height and bulk of the proposal and there being no other nearby examples of structures in the front curtilages, the proposal will neither protect nor enhance the areas existing character and would set a harmful precedent to the detriment of the character of the area.

The proposal is therefore contrary to the aims of the afore-mentioned national and local policy.

8. Informatives

Application Refused Following Discussion - Where there is no Way Forward

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 reason(s) for the refusal, approval has not been possible.

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| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | YES | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | NO |