

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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Site Description

The application site is on the west side of Harwich Road, Mistley. The site comprises a 3 storey detached dwelling, with basement accommodation, sited towards the front of a modest plot facing onto the main road. There is 3m separation between the dwelling and the northern boundary, and 5m separation to the southern boundary. The site is outside the development boundary and within the Manningtree and Mistley Conservation Area.

Proposal

This application seeks planning permission for a single storey attached garage to the south of the host dwelling, measuring 3.734m in height, 2.982m in width and 6m in depth; and a steel rail fence measuring 1.232m in height to the middle of the front boundary of the site.

The plans also show a new area of hardstanding to the front of the dwelling, which will not require planning permission subject to the condition that either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The hardstanding has therefore not been assessed as part of this application.

Appraisal

The main considerations of this application are the principle of development, visual impact and impact on the conservation area, impact on neighbours and parking provision.

Principle of Development

The site is outside the Settlement Development Boundary (SDB). Saved policy HG12 states that proposals for an extension to an existing dwelling outside the SDB will be permitted provided that, among other things, the extension is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling, retains sufficient space around the dwelling to protect its setting and would not adversely affect adjoining properties.

It is therefore considered that there is no principle objection to an extension, subject to meeting the above criteria, discussed below.

Visual Impact and Impact on the Conservation Area

The proposed garage is of a size and scale in keeping with the host dwelling, and the design relates well to the existing house. The railings to the front of the site are in keeping with the character of the dwelling, and are similar in appearance to the railings at the boundary with the northern neighbour. The majority of nearby dwellings have a boundary treatments - including walls, fences and hedging - sited at the boundary with the highway, so the proposal is not out of keeping with the surrounding area.

The proposal is therefore considered to protect the character of the conservation area.

Impact on Neighbours

The proposed garage will be separated from the southern neighbour by 4m. It is only single storey, with an overall height of 3.734m. There is already a tall brick wall at the boundary between the two properties. There will be no impact on neighbouring daylight or outlook, and there are no windows proposed that will impact neighbouring privacy.

The rail fence is sited away from neighbouring dwellings, and will not impact neighbouring amenities.

Parking Provision

The Essex Parking Standards state that any new dwellings with 2 or more bedrooms require parking spaces for 2 cars, each measuring at least 5.5m by 2.9m (7m x 3m in the case of a garage). Although the proposed garage doesn't meet adopted standards, there will be adequate space to the front of the dwelling to accommodate 2 standard sized parking spaces.

Other Considerations

Mistley Parish Council supports this application

No other letters of representation have been received.

Conclusion

In the absence of material harm as a result of the proposed development, this application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. AH 001 Rev B.

Reason - For the avoidance of doubt and in the interests of proper planning.

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.

Informative1: The vehicular accesses should be retained at no less than 3.7m each.

Informative2: 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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ