

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	11/10/2018
Planning Development Manager authorisation:	SCE	12.10.18
Admin checks / despatch completed	SB	15/10/18

Application: 18/01395/FUL **Town / Parish:** Mistley Parish Council *AP*

Applicant: Mr Justin Dines and Ms Gemma Wilson

Address: 45 California Road Mistley Manningtree

Development: Removal of existing concrete sectional garage, replacement with timber framed, pitched roof, wooden clad garage and workspace.

1. Town / Parish Council

Mistley Parish Council Mistley Parish Council makes no comment on this planning application.

2. Consultation Responses

N/A

3. Planning History

16/01640/FUL	Replace existing windows with UPVC sliding sash windows. Replacement of rear extension flat roof with a lean-to pitch roof with proposed velux window. New front door.	Approved	12.12.2016
18/01395/FUL	Removal of existing concrete sectional garage, replacement with timber framed, pitched roof, wooden clad garage and workspace.	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
EN17 Conservation Areas
HG9 Private Amenity Space
TR7 Vehicle Parking at New Development

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies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 (including Site Description and Proposal)

Site Description

The application site is located to the east of California Road, on a corner plot shared with Kerridges Cut. The site is located inside the development boundary of Mistley and within the Mistley and Manningtree Conservation Area and the Proposed Extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. It serves a semi detached two storey dwelling constructed of render with a slate roof. The front of the site is entirely paved with a 1m wall on the front boundary. Access to the rear of the site is to the side of the property, leading to a detached flat roof garage in the rear garden. The side boundary along Kerridges Cut consists of a 1m brick wall with the inclusion of a 1.9m fence to screen the rear garden area.

Proposal

The application proposes a timber framed, pitched roof, wooden clad garage and workspace, following the removal of the existing concrete sectional garage. The proposed garage will measure 4m wide by 7m deep, with a pitched roof with flying hipped ends which will have an eaves height of 2.1m and a maximum height of 3.8m. It will be constructed of with traditional weather boarded walls and a natural slate roof.

Representations

One letter of representation has been received from the neighbour to the east raising concerns over the increased height of the garage. Specific concerns include:

- Affecting skyline view (see officer report)
- Loss of daylight (see officer report)

Mistley Parish Council makes no comment on this planning application.

Assessment

The main considerations of this application are the design, impact on conservation area, parking at the site and impact on residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and protects or enhances local character, and the development will not have a materially damaging

impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Design and Impact on Conservation Area

The proposed garage is considered to be of a scale and nature that is acceptable to the site and the surrounding area. The garage will replace an existing garage, albeit on a larger scale in terms of a larger footprint and altering from a flat roof to a pitched roof. Other examples of pitched roof garages exist in the vicinity, notably the red brick pitched roof garage on the boundary belonging to No. 43a California Road, located on the opposite side of Kerridge Cut.

The development will be visible from the both California Road and Kerridge Cut. The garage will be set back over 19m from California Road due to its location within the rear garden of the property and from Kerridge Cut only the roof of the garage will be visible due to the brick wall and fencing obscuring views into the site. The proposed garage will be constructed with traditional weatherboarding and a slate roof, of which there are many other examples within the area. The proposed roof lights on the south elevation will face into the rear garden and will not be visible from the road. Amended plans submitted with the application now propose a flying hip to both ends of the pitch roof (front and rear), which is considered to add interest to the design. The agent has also provided a photo of a similar flying pitch roof in California Road to illustrate that the design blends with the character of the area.

The application site is located on the edge of the Mistley and Manningtree Conservation Area. The Conservation Area Appraisal for the area refers to properties in California Road collectively, stating "the dwellings on California Road and Beckford Road combine to create a pleasant environment". It refers specifically to the application site as "two storeys, with a gabled roof of slate: one forecourt [the application site] has been entirely given over to parking". The property is not referred to as being of any particular design merit. A Heritage Statement (entitled Historic Statement) has been submitted as part of this application, and refers to the development as being "a vast improvement on the current modern concrete sectional garage" and notes that the new garage will be "more in keeping with the conservation attributes" of the Conservation Area.

It is agreed that the proposed replacement garage is a vast improvement in design terms in comparison to the existing structure. The design is more in keeping with the area and is considered to enhance the conservation area setting, improving the character and appearance of the street scene from all angles.

Parking

The depth of the proposed garage and work space, which measures 7m externally, will be marginally below the current parking standards which require internal dimensions of 7m by 3m. Notwithstanding this, parking a car within the garage can still be achieved and as the footprint is larger than the existing garage to be replaced parking provision at the site is improved. Furthermore, the front of the site and the land at the side of the dwelling is entirely paved which allows parking for in excess of 2 no. cars which exceeds the current parking standard requirements. There is no objection to the level of off street parking provided within the site.

Impact on Residential Amenity

The proposed garage will be on a similar footprint to the existing garage, located close to the rear and side boundary of the site. Adjacent to the side boundary is Kerridges Cut, a single lane access track. To the rear of the site is a strip of land that provides access to Gamma Cottage, the property to the south of the site. No residential properties are located directly adjacent to the boundaries on which the proposed garage will be built.

A letter of representation has been received from the neighbours at The Bungalow, the property to the east of the application site, on the opposite side of the strip of land previously referred to. This property is located over 4m to the south of where the proposed garage is to be situated. This neighbour's lounge is the room closest to the development and concern is raised over the occupiers' view and loss of light from 2 of their 3 lounge windows. Due to the orientation of the properties and the fact that the proposed garage is located to the north of the site, the development, specifically the increased height of the garage, is not considered to result in a loss of sunlight for The Bungalow. Furthermore, due to the proximity of the development to this neighbour the development is not considered to have an impact on the natural daylight that The Bungalow's lounge windows currently enjoy. The agent has amended the design of the garage, introducing the flying hipped roof, in an attempt to reduce any possible impact and eliminate the neighbour's concerns. The neighbour's view is not considered to be significantly hindered by the development due to the separation between sites and the existing planting within the neighbour's garden that will obscure views.

The insertion of the roof lights to the south elevation of the garage will give views skywards due to the pitch and are not considered to cause any significant overlooking to neighbouring property.

The development is considered to be acceptable in terms of the daylight, privacy and other amenities enjoyed by neighbouring properties.

Sufficient private amenity space is retained for the occupiers of the property in accordance with Policy HG9.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the 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: Drg No. 1329-SK2 and Drawing No. 1329-1 Rev A received 4th October 2018.

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 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.

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