

accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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.

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

3. Planning History

07/00412/FUL	Two storey side and rear extensions	Approved	08.05.2007
18/01478/FUL	Proposed detached garage.	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

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Application Site

The application site comprises of a west facing detached dwelling with an integral garage set back on its plot. The site has a driveway to the front with planting and fencing sited along its front and side boundaries.

Proposal

This application seeks permission for the erection of a garage to the front of the site.

The proposal also included the conversion of the garage however after the assessment of the proposal it was ascertained that planning permission was not required and this has since been removed from the proposal.

The proposal included a new access to the site however as the road is classed as "Unclassified" planning permission is not required for this element.

Assessment

Design

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007), and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) seek to ensure that all new development makes a positive contribution to the quality of the local environment and protect or enhance local character.

Saved Policy HG12 of the adopted Tendring District Local Plan (2007) deals with extensions to dwellings outside Settlement Development Boundaries and states that proposals should only be permitted if it (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive contribution to its setting and (ii) is well related and in proportion to the original house.

The application site is located outside the development boundary with the local area comprising of predominantly two storey and single storey detached dwellings with open frontages. Some of these dwellings have associated garages or carport structures to the side of their dwellings.

The proposal will be sited forward of the front elevation and 0.7m from the front of the site, the proposed access will be sited along the front boundary.

The adjacent dwellings do comprise of outbuildings however these are to the side or to the rear of their host dwellings. The dwelling to the north known as "Highlands" has an outbuilding forward of the house however this site is located some distance away and was approved planning permission as a "Replacement Garage and cart lodge." This site is located away from the application sites immediate vicinity.

There are no other outbuildings sited to the front of these properties.

As a result of its close proximity to the front of the site and as there are no other outbuildings within the immediate vicinity sited to the front the proposal would appear as an incongruous and prominent feature within the streetscene resulting in a harmful impact to the character of the area and is likely to set a precedent for future development within the area.

Whilst negotiations regarding the design have been undertaken and amended plans have been considered it remains that the introduction of an outbuilding to this open frontage would significantly impact the existing dwellings and local areas character.

The height of the proposal will be over 4m and is the size of a double garage. As the host dwelling comprises of a chalet bungalow type dwelling it is considered that the outbuilding would not relate well to the existing house enforcing its impact to the streetscene further.

The new access is a minor addition which will assist in accessing the site which would not appear as a prominent or adverse feature to the appearance of the existing site. As there are other dwellings within the local area which benefit from vehicular accesses onto the site the introduction of such would not result in a harmful impact to the character of the area.

Along the front boundary of the site is an existing hedge which contributes to the countryside character of the area. As part of the proposal this will be partially removed creating a large gap to the front of the site which would make the outbuilding even more noticeable and prominent.

Highway Safety

As the proposal originally included works to the highway by way of a new access Essex County Council Highways were consulted on the application. They have provided no objection to the proposal suggesting conditions regarding the width of the access, materials to be used in surface treatment and closure of the existing access. As the new access did not require planning permission these conditions have not been imposed upon the permission.

Impact on Neighbours

Whilst the proposal will be visible to the neighbouring properties it is sited sufficient distance away from them and as a result any impact on their existing residential amenities would not be so significant to refuse planning permission upon.

Other Considerations

Bradfield Parish Council have not commented on the application.
No letters of representation have been received.

Conclusion

As the proposed garage is contrary to local and national policy and would result in such a significant visual impact that this part of the application is recommended for refusal.

Recommendation

Refusal - Full

6. Reasons for Refusal

- 1 The National Planning Policy 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. 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.

Saved Policy QL9 states that all new development should make a positive contribution to the quality of the local environment, new buildings must be well designed and maintain local character, and development must relate well to its site and surroundings particularly in relation to its scale, massing, form and design. These sentiments are carried forward in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Saved Policy HG12 of the adopted Tendring District Local Plan (2007) deals with extensions to dwellings outside Settlement Development Boundaries and states that proposals should

only be permitted if it (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive contribution to its setting and (ii) is well related and in proportion to the original house.

The height of the proposed outbuilding will be over 4m with its depth and width matching that of a double garage. The host dwelling comprises of a chalet bungalow type dwelling meaning that a proposal of this size and scale would dominate the site and existing dwelling.

The frontages of Straight Road are predominantly open or enclosed by low level hedging contributing to the spacious character of the area. Many of the surrounding dwellings have outbuildings which are sited to the side or rear of their dwellings.

The proposed outbuilding, by virtue of its siting forward of the dwelling and size will result in an incongruous form of development within the street scene, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies.

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