

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	16/11/2018
Planning Development Manager authorisation:	SCE	23.11.18
Admin checks / despatch completed	<del>WNE</del> SB	23/11/18

<b>Application:</b>	18/01482/FUL	<b>Town / Parish:</b> Mistley Parish Council
<b>Applicant:</b>	Mr William Langton	
<b>Address:</b>	Crossways 3 Long Road Mistley	
<b>Development</b>	Replacement of existing single garage with a double garage.	

### 1. Town / Parish Council

Mistley Parish Council      Mistley Parish Council makes no objection to this planning application.

### 2. Consultation Responses

N/A

### 3. Planning History

94/00434/FUL	(Crossways, Long Road, Mistley) Proposed alterations and extensions to form two storey additions to house	Approved	22.06.1994
18/01482/FUL	Replacement of existing single garage with a double 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

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

SPL3 Sustainable Design

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 north of Long Road, inside the development boundary of Manningtree. It serves a detached two storey dwelling constructed of brick with a tiled roof, with a detached brick built garage located to the east of the dwelling. The front of the site has an area of grass as well as a driveway for parking at least 2 no. cars. A boundary wall exists on the front and west side boundary; a post and rail fence is located on the eastern side boundary. The neighbouring dwelling to the east also abuts the side boundary. The rear garden is laid to lawn with close boarded fencing around the site.

### **Proposal**

The application proposes the replacement of the existing garage with a double garage. The garage will measure 3.8m wide on the front elevation, increasing to 5.8m at the rear elevation, with a depth of 8m. It will have a pitched roof over the garage door with eaves height of 2.5m and ridge height of 4.15m. Directly adjacent to the neighbouring boundary (to the east) the garage will have a flat roof, with maximum height of 2.5m at the front and 2.65m to the rear due to a slight change in levels. The garage will be constructed of brickwork to match the existing dwelling and will have a slate roof.

### **Background**

The initial application was submitted as a Certificate of Proposed Lawful Use. It was established that planning permission was required due to the height of the garage and distance to the boundary so the application was changed to a Householder Planning Application.

### **Assessment**

The main considerations of this application are the design, parking and the 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.

## Design

The proposed garage building is considered to be of a scale and nature appropriate to the site and the surrounding area. It will replace an existing garage building, and whilst being set further forward than the existing garage, it will be in line with the front building line of the existing dwelling to which it relates. It will also be set back from the road by over 13m so whilst views of the garage from the road will be possible the development will not be prominent with the street scene and the use of brickwork to match the host dwelling will blend the development with its surroundings.

The garage will be located 1.1m from the host dwelling and 0.6m from the boundary shared with the neighbour to the east, which has an extension that is built on the boundary. The eaves height of the garage will match the eaves of the neighbour's extension. Furthermore, the garage has a pitched roof with maximum height of 4m, which will not appear cramped within the plot as the maximum height will be located 2.5m from the side boundary extending to 4.4m from the boundary at the rear. Overall, the proposed development is considered acceptable in design terms and visual amenity.

## Parking

The proposed garage will provide for the parking of 1 no. car. Furthermore there is adequate parking at the front of the site for at least a further 2 no. vehicles. It is therefore considered that adequate parking is available at the site in line with current parking standards.

## Impact on Residential Amenity

The garage does not propose any openings on the side elevation that faces onto the neighbouring dwelling to the east, known as 1 Long Road. Furthermore, the garage will be built adjacent to the neighbour's existing extension which also does not have any openings, other than roof lights, on the elevation facing the application site. The section of garage directly adjacent to the neighbour will have a flat roof. For these reasons and due to the garage's position within the plot the development is not considered to cause any significant adverse impact on the daylight, privacy or other amenities enjoyed by neighbouring property.

## Other Considerations

Mistley Parish Council makes no objection to this application.

No letters of representation have been received.

## 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: Drawing No. 02 P1 and Drawing No. 01 P1 received 1st 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 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.

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