

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	10/12/2018
Planning Development Manager authorisation:	SCE	10.12.18
Admin checks / despatch completed	SB	10/12/18

Application: 18/01727/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr & Mrs P Kealy

Address: 7 Ottershaw Way Clacton On Sea Essex

Development: Proposed additional garage & new wall.

1. Town / Parish Council

Clacton non parished

2. Consultation Responses

ECC Highways Dept

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

Informative1: The Highway Authority observes that the proposed garage is not in accord dimensionally with the current Parking Standards.

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

3. Planning History

00/01673/FUL	Two storey extension and garage extension	Approved	06.02.2001
18/01727/FUL	Proposed additional garage & new wall.	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

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks permission for the erection of an additional garage and new walling to a detached dwelling within the development boundary of Clacton on Sea.

The original application proposed fencing along the boundary. It was considered that this would be out of keeping with the area and that it should be amended to a wall. Amended plans have since been received changing the fence to a wall.

Assessment

Design and appearance

The area comprises of a variety of detached and semi-detached dwellings with many having either attached, integral or detached garages. Boundary treatment such as walling, fencing and planting, some measuring over 1m in height and adjacent to the highway, form part of the areas existing character.

The proposed garage addition will be publicly visible and will be set back from the side and front boundaries by a minimum of 2m. The design and materials of the proposed addition will not

deviate from that of the existing garage ensuring that it relates well to the host garage and dwelling.

The proposed garage will be a prominent feature however as the existing garage is already prominent and as the design of the proposal matches that of the existing this addition is not considered to be a harmful impact to the overall appearance and character of the area.

The proposed wall in lieu of the existing planting will be a noticeable change within the streetscene. As a result of varying similar boundary treatments close by it is considered to be consistent with the overall character of the area. The wall will have a height of 1.5m which will not reach as high as many of the other boundary treatments within the area and will reduce its prominence.

Impact on Neighbours

The proposed garage addition will be sited along the boundary shared with 1 Bisley Close sited to the west of the site. As a result of the removal of boundary planting the proposal will be visible to this neighbour's front elevation window. Whilst the proposal will be noticeable to the neighbour it will be sited 3m away from this neighbouring house and therefore the level of outlook lost in this situation is considered not so significant to refuse planning permission upon.

The proposal will not result in a loss of privacy or light to this neighbour.

The new walling will not be visible to this neighbour.

The proposal will not be visible to the neighbouring dwelling sited to the south as it will be screened by the host dwelling and garage.

Highway Safety

The Essex Parking Standards request that new garages should have an internal measurement of 3m by 7m, whilst this proposed garage will be under these requirements there is still sufficient space to the front of the garages and alongside the host dwelling for the parking of two vehicles in line with the aforementioned standards. Therefore the proposed garage addition would not result in a significant harm in terms of highway safety.

As the proposal involves the erection of a wall in close proximity to the highway Essex County Council Highways have been consulted as part of the application. They have provided no objection.

Other considerations

Clacton is non-parished and therefore no comments are required.

No further letters of representation have been received.

Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 1 A.

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

8. Informatives

Highways Informatives

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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.