

HG9 Private Amenity Space

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Proposal

This application seeks planning permission for a single storey rear extension to a semi-detached property within the development boundary of Frating Green, and the erection of a detached outbuilding to the rear to serve as a garage.

Design and Appearance

The rear extension will be partially visible from the highway, but only at an oblique angle due to its siting to the rear of the property. Bushes at the boundary will provide some screening, and the extension relates well to the host and is in proportion. Although the proposed materials do not match the dwelling, nearby properties feature a variety of external finishes and colours - and so the proposal will not harm the character of the area.

The proposed garage will be visible from the highway, but will not be overly prominent due to being set 23m back from the front boundary of the site. The materials match the proposed rear extension to the main house, and the scale of the proposal is commensurate with ancillary use of a dwellinghouse. Adequate private amenity space is retained.

Impact on Neighbours

The proposed extension is sited at the boundary with the attached neighbour, and will extend 1.45m further back than the neighbour's conservatory. The 45 degree daylight/sunlight test shows there will not be significant loss of daylight or outlook to this neighbour, and there are no side facing windows that will impact the neighbour's privacy. Due to the separation between the proposed extension and the southern neighbour, there will be no impact on neighbouring amenities.

The proposed garage is sited 1m from the boundary with the southern neighbour, adjacent to this neighbour's detached garage. There will be no impact on this neighbour's daylight or outlook due to the single storey nature and separation from the neighbouring dwelling, and there are no proposed windows facing towards 4 Council Houses.

Other Considerations

Frating Parish Council has no objection but "request the neighbour(s) views are considered."

One letter of objection has been received from the neighbour at 4 Council Houses, raising concerns that additional space could be created in the roof of the outbuilding, uncertainty about the distance from the boundary, and the risk of overlooking from the proposed roof lights. The proposal is for a single storey outbuilding - and conversion of the roof space would require separate planning permission. The proposal is sited 1m from the boundary - this is annotated on the submitted plans. The proposed roof lights are only located on the roof slope away from the boundary with this neighbour - and will be above head height so not impact privacy.

Conclusion

In the absence of material harm as a result of the proposed developments, this application is recommend 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's. 5/BRF/18/2 and 5/BRF/18/3.

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.