

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	27/03/2019
Planning Development Manager authorisation:	SCE	03.04.19
Admin checks / despatch completed	EK	04/04/19

Application: 19/00221/FUL **Town / Parish:** Ardleigh Parish Council *XME*

Applicant: Mrs Abi Ekin

Address: Tall Trees Station Road Ardleigh

Development Proposed attached garage and balcony to the rear.

1. Town / Parish Council

Ardleigh Parish Council No comments received.

2. Consultation Responses

Tree & Landscape Officer Land to the front of the application site is affected by Tendring District Council Tree Preservation Order TPO/11/18 and affords protection to a large group of Lime trees. The land to the rear of the property is affected by another Tendring District Council Tree Preservation Order TPO/11/17. This TPO affords protection to a group of trees of differing species.

It is not clear from the information provided by the applicant whether or not the garage is positioned within the Root Protection Areas (RPA's) of the trees to the front of the property.

Therefore it will be necessary for the applicant to demonstrate that the development proposal can be implemented without causing harm to the protected trees. In order to do this they will need to provide a tree report and survey in order to show the potential impact of the development proposal on the trees on the land.

Any development proposed within the RPA's of the protected trees will need to be carried out in such a way that damage to tree roots does not occur. This may require specialist construction techniques such as 'pile and beam' or 'raft' foundations. The tree report will inform the applicant of the likely need for such foundations.

Information provided in relation to trees should be in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

The Ramblers Association As the Planning Application states that there will be no diversions or extinguishments of the PROW through the property, The Ramblers have no objection.

We would like to point out, that if the PROW is to be closed, whilst the work takes place, a Temporary Closure Notice will be required.

Essex Bridleways Association No comments received.

Tree & Landscape Officer (following receipt of AIA) The information provided by the applicant is in accordance with BS5837 2012 Trees in relation to design demolition and construction;

Recommendations and adequately demonstrates that the development proposal can be implemented without causing harm to the protected trees on the land.

3. Planning History

88/00118/FUL	Single storey rear addition and related alterations	Approved	14.03.1988
96/00043/FUL	(Tall Trees, Elm Park, Ardleigh) Front entrance porch	Approved	29.04.1996
00/02167/TPO	G.1 - Sycamore - crown reduction to maximum of 30% and balance; G.4 - 5 Limes in front of Tall Trees - crown reduction by maximum of 30%	Approved	29.01.2001
03/00095/FUL	Timber conservatory on rear of house	Approved	04.03.2003
06/01335/TPO	Fell - 1 Green Sycamore in G.1	Refused	19.09.2006
08/00344/TPO	Group 1 - Sycamore - reduce	Approved	25.03.2008
10/01411/FUL	First floor rear extension and new pitched roofs to existing front porch and dormer window.	Approved	31.01.2011
11/01348/TPO	Reduce Sycamore as previously. Request on-going permission for work to be done every 3 years	Approved	08.12.2011
19/00221/FUL	Proposed attached garage and balcony to the rear.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
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

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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 east of Station Road, outside the development boundary of Ardleigh. The site is accessed via a private drive access shared with Elm Park Lodge and Elm Park Rehabilitation Unit. It serves a detached two storey dwelling constructed of brick with a tile roof. The front/side of the site has an area of hardstanding with some planting and close boarded fencing on the boundaries. The rear of the site has an area of patio and grass with an outbuilding on the rear boundary. Beyond this is another piece of land, outside of the residential curtilage, which is under the applicant's control and is enclosed by fencing, has various outbuildings and appears to be used as amenity space. There are various trees which are subject to Tree Preservation Orders along the site boundaries.

Proposal

The application proposes an attached garage to the front of the dwelling, constructed with brickwork to match the existing dwelling. It will measure 3.2m by 7.3m with a flat roof 3.1m in height. A balcony is also proposed to the rear which will have a footprint of 7.1m wide by 2.7m deep, with 1m balustrade rear and eastern elevation and a 1.6m privacy screen to the western elevation.

Since receipt of the application the detached garden room/annexe located within the amenity land outside of the residential curtilage has been removed from the application.

Assessment

The main considerations of this application are the design, impact on residential amenity, impact on protected trees and parking.

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 HG12 of the Tendring District Local Plan (2007) seeks to ensure that extensions outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and would not represent overdevelopment of the site.

Policy TR7 of the Tendring District Local Plan (2007) states that the adopted car parking standards will be applied.

Design

The proposed development is considered to be of a scale and nature appropriate to the site and the surrounding area. The proposed balcony extension to the rear is considered to be an acceptable addition that blends acceptably with the design of the main dwelling. The proposed garage extension, whilst located to the front elevation of the property, will not be publicly visible from the road due to the properties location down a private access track. On approach from Station Road, it will be the side elevation serving the garage door that will be visible, due to the orientation of the property. What serves as the front elevation of the garage will face further along the access track which is accessed by only Elm Park Rehabilitation Unit; and it will be partially screened by close boarded fencing. The use of brickwork to match the existing dwelling will blend the garage with the host dwelling and the continuation of the existing flat roof serving the porch will allow the development to relate well with existing built form.

Impact on Residential Amenity

The single storey garage extension is not located close by to any neighbouring property and is not considered to cause any significant adverse impact on the amenities currently enjoyed by neighbouring property.

The neighbour to the west of the site is the neighbour in closest proximity to the application site. The boundary shared with this neighbour is located approximately 6m from the location of the proposed balcony. The proposed balcony extension proposes a 1.6m tall privacy screen to ensure privacy for the neighbours located to the west of the site. To ensure maximum privacy is maintained, and notwithstanding the information submitted with this application, a condition is imposed to secure a 1.8m tall privacy screen. Subject to compliance with this condition this aspect of the development is not considered to cause any significant adverse impact on the daylight, privacy and other amenities currently enjoyed by this neighbour.

Impact on Protected Trees

Land to the front of the application site is affected by Tendring District Council Tree Preservation Order TPO/11/18 and affords protection to a large group of Lime trees. The land to the rear of the property is affected by another Tree Preservation Order TPO/11/17. This TPO affords protection to a group of trees of differing species. An Arboricultural Impact Assessment and Tree Protection Plan has been submitted and the Council's Tree and Landscape Officer has confirmed that the content of this report adequately demonstrates that the development proposal can be implemented without causing harm to the protected trees.

Parking

The site includes an area of hardstanding to the side of the property by the site access that could accommodate the parking of at least 2 no. cars. Furthermore, the proposed garage has internal dimensions of 3m by 7m, which adheres to the current parking standards allowing an additional car to be garaged. Off road parking at the site is in excess of the required standards and is therefore considered acceptable.

Other Considerations

No comments have been received from Ardleigh Parish Council

The Ramblers Association have no objection to the application.

No letters of representation have been received.

Conclusion

It is considered that the revisions to the proposed development are 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 and reports: Drawing Number: P-TTSR-E003 & P003 Revision GS, Drawing Number: P-TTSR-P002, Drawing Number: P-TTSR-P001 Revision A, Arboricultural Impact Assessment prepared by AllArboriculture Ref: Tall Trees (AIA) and Tree Protection Plan.

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

- 3 Notwithstanding the details submitted with the application, prior to the first use of the approved balcony area a 1.8m high obscure glazing screen shall be installed to the western side of the balcony and shall be retained in its approved form thereafter.

Reason - To preserve the privacy of neighbouring residents situated to the west of the site.

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.

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