

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/05/2019
Planning Development Manager authorisation:	SCE	08.05.19
Admin checks / despatch completed	AS	9/5/19

ER

Application: 19/00361/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr and Mrs Paul Singh

Address: New Hall The Street Tendring

Development: Proposed detached garage.

1. Town / Parish Council

Tendring Parish Council Have no objection.

2. Consultation Responses

Tree & Landscape Officer The application site is situated within the Tendring Conservation Area meaning that all trees on the land with a stem diameter greater than 75mm wide when measured at a point 1.5m from ground level are afforded formal protection because of their position in the conservation area.

In terms of the impact of the development proposal on existing trees it is apparent that an Irish Yew will need to be removed and a multi-stemmed Bay Laurel may need to be cut back to facilitate the construction of the proposed garage.

The garden associated with New Hall is well planted although much of the vegetation is over-mature. The removal of the Irish Yew and the reduction of the Bay Laurel will not have an adverse impact on the character or appearance of the conservation area nor on the local landscape character.

There is a Public Right of Way to the east of the entrance to New Hall although the development is unlikely to adversely affect the enjoyment of walkers using the footpath as views of the existing house and proposed garage will be fleeting and partially obscured by intervening vegetation.

The retention of the existing boundary vegetation will provide a good level of screening.

3. Planning History

19/00361/FUL Proposed detached garage. 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

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PPL8 Conservation Areas

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 refers to New Hall, The Street, Tendring, a two storey detached dwelling located outside the settlement development boundary of Tendring. The application site is located via a long track shared with New Hall Farm. The application site is located within Tendring Conservation Area.

Proposal

The application seeks planning permission for the erection of a detached garage. The proposal will measure 12.2 metres in width, 6.9 metres in depth with an overall height of 7.5 metres.

The proposal comprises of a double garage and store to the ground floor and an open area to the first floor.

Assessment

The main considerations for the application are the design and appearance, impact upon neighbouring amenities, highway safety, trees and landscaping and impact upon the Conservation Area.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The application site is set back considerably and screened from the highway by mature hedging. The proposed garage will be located to the south east of the site and due to the proposal being situated approximately 120 metres away from The Street, as well as the garage being located to the rear of the host dwelling, it is considered that the garage will not cause any impact upon the street scene.

The materials proposed; brickwork, plain tiles, timber windows and doors, all match the existing dwelling. The design of the garage incorporates details such as drip moulds above the window heads, stone cills, a mid height stone string course and scrolled gables which match the existing dwelling. It is therefore considered that the proposal is in keeping with the character of the existing dwelling and the immediate area.

Impact upon neighbouring amenities

Due to the application site being set back from 'The Street', as well as the rural location, there are no neighbouring dwellings to the north west of the site.

To the south west of the site is New Hall Farm House which is situated approximately 20 metres away from the neighbouring boundary. As part of the holding, there is a farm building located approximately 6 metres away from the neighbouring boundary, which will help to screen the proposal. Due to the distance of the house to the boundary as well as the existing farm building which will screen the proposal, it is therefore considered that the proposed garage will not cause any significant impact upon neighbouring amenities.

Highway safety

The garage measures 7 metres by 6 metres which will serve two parking spaces. The proposal is considered to be in line with Essex Parking Standards garage requirements of 7 metres by 3 metres. Therefore it is acceptable in terms of highway safety.

Trees and Landscaping

The Tree and Landscaping officer has been consulted on this application and has stated that due to the application site being located within the Tendring Conservation Area, all trees on the land with a diameter greater than 75mm wide and measured at a point of 1.5 m from the ground level are afforded formal protection. The application will see the removal of an Irish Yew and a multi stemmed Bay Laurel may need to be cut back to facilitate the construction. The garden serving New Hall is well planted although much of the vegetation is over mature. The removal of the Irish Yew and the reduction of the Bay Laurel, is not considered to have an adverse impact on the character or appearance of the Conservation Area nor on the local landscape character. It has been suggested by the officer that the retention of the existing boundary vegetation will provide a good level of screening. It is therefore considered that the proposal is acceptable in terms of trees and landscaping.

Impact upon Conservation Area

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

The application site is located within Tendring Conservation Area. Due to the minor nature of the proposal as well as using matching materials to those used within the host dwelling, it is considered that the proposed garage will not cause any significant impact upon Conservation Area.

Other considerations

Tendring Parish Council have no objection to this application but would like to make an observation that the building as designed has the potential to become separate living accommodation. We would like to consideration to be given to a condition specifically prohibiting this without a further application.

In response to the Parish Councils comments, a condition will be imposed to ensure that the proposal will be used ancillary to the host dwelling.

No letters of representation have not been received.

Conclusion

In the absence of any material harm resulting from the 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. SNH-01

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

- 3 The proposed garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as New Hall, The Street, Tendring.

Reason - The site is unsuitable for an independent residential unit because of the shared facilities and relationship to the host dwelling.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO