

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 property is the right hand of a pair of 19th century semi-detached dwellings. Development in the locale was constructed at a similar time. Most of the dwellings have benefitted from significant additions with No. 90 having an existing extension with a similarly designed car-port as proposed. The application site and its attached neighbour No. 86 are the exception. Typically the dwellings are finished externally in painted render of various colours; roof tiles differ nearby between slate and interlocking tile. There are examples of weatherboarding within a relevant distance.

The properties have east facing gardens which incline sharply towards the rear and the application site is separated from its adjacent neighbour at No. 82 by around 4.5m.

Description of Proposal

The application seeks planning permission for a part single/part two-storey side extension with a single storey rear extension. The ground floor element of the side extension would, in part, encompass the existing side extension. The resulting extension would provide a car-port and large kitchen at ground floor with an additional bedroom with en-suite at first floor.

The extension comprises three main parts:-

A ground floor car-port which would be open on two sides; the rear is partially closed by the front wall of the existing side extension. It would be around 3.8m wide for a length of 3.9m, reducing to 1.5m for 2.7m. It would have a mono-pitched slate roof with a ridge of 3.3m and be supported by three brick columns.

The first floor side extension sits above the carport and would be 2.9m wide; it would be set back from the front elevation by 0.4m and down from the main ridge by 0.1m. It would be 6.6m in depth and align with the existing rear elevation. Externally it would be finished in weatherboard supplied in Ochre Green which is a very light coloured, earthy, muted tone. The roof would be slate to match existing.

The rear extension would project rearwards by 5.6m and be 6.3m wide. It would be flat roofed with an overall height of 2.8m and have a glazed roof lantern. Externally the walls would be finished in the same weatherboard as the side extension.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The height, width, design and external materials of the proposed extension would respect the character of the host dwelling and wider streetscene in general.

Impact on Neighbours Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

No. 86 has a single storey rear extension which has a depth in the region of 5.4m, the application proposes an addition of a similar depth. No. 82 to the south is separated from its left hand boundary by around 1.7m and has a ground floor side facing window in the flank elevation which serves a study. Due to the orientation of the application site, separation distances and existing built form there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours. Planning permission would be required to insert first-floor side facing windows; notwithstanding this a suitably-worded condition would be attached to any permission to ensure no windows can be inserted in the future.

Highway Issues

The resultant development adds an additional bedroom at the property. Essex County Parking Standards state that for a dwelling of two or more bedrooms, two parking spaces shall be provided at measurements of 5.5m x 2.9m or 7m x 3m if a garage is used as a space. A car port does not have the restrictive walls that a garage has so the lesser dimensions have been deemed relevant

in this particular case. The width of the carport is sufficient and, in conjunction with the property being set back from the pavement, sufficient space would be available to accommodate one vehicle. It is acknowledged that off-street parking is limited in the area; however planning permission was granted in 2010 (post adoption of the 2009 Essex County Council Parking Standards) for an additional bedroom at No. 82 without compliance with parking provision. It is considered that a substantiated refusal could not be put forwards in this regards.

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 plan: 01, received 18th April 2019.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no first floor side-facing windows shall be inserted in the south elevation of the extension except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the occupants of neighbouring property.

8. Informatives

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?		NO
Are there any third parties to be informed of the decision?		NO