

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	26.6.19
Planning Development Manager authorisation:	GJS	26/6/19
Admin checks / despatch completed	DLE	26/06/19.

**Application:** 19/00693/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Hall

**Address:** 203 London Road Clacton On Sea Essex

**Development:** Proposed erection of detached, 2-bay, single-storey oak framed Cartlodge and associated works.

### 1. Town / Parish Council

None received

### 2. Consultation Responses

None received

### 3. Planning History

97/00376/FUL	Dormer window	Approved	25.04.1997
19/00693/FUL	Proposed erection of detached, 2-bay, single-storey oak framed Cartlodge and associated works.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Local Planning Guidance

### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 a late-20th Century detached chalet-bungalow finished externally in multi-brick and self-coloured render with an interlocking clay-tiled roof. Properties within the locale are extremely varied in regards to scale, external finishes, construction-era and design in general. Adjacent properties are both detached chalet bungalows. The road is relatively wide at just under 9.5m; pavement widths on the west side are in the region of 2.5m and over 8.5m on east side and, with uninterrupted front gardens typically deeper than 8m, the factors all contribute to the sense of spaciousness in the locale. There are no other structures forward of the building line within a visual radius of the application site.

The property has a large area for off-street parking just over 14m deep and 12m wide with over half laid to lawn. The property also has an integral garage; though it is likely that its internal dimensions fall well short of the current 7m x 3m standard required.

Flank-to-flank separation distances in the region of 2.0m exist between No. 203 and No. 209 to the north and around 4.5m between No. 203 and No. 201 to the south. A close-boarded fence approximately 1.2m high exists between No. 203 and No. 209.

### **Description of Proposal**

The application proposes a detached structure, described on the application as a 2-bay cartlodge (a carport). The structure would be sited 5m forward of the gable feature and inset approximately 0.5m from the (north) boundary shared with No. 209. The structure would have a dual-pitched roof with the ridge running from east-west, the eaves would be approximately 2.1m and the ridge line would be 4.4m. The structure is laid-out internally with an enclosed garage space to the right with

internal dimensions approximately 2.5m x 4.8m; the left hand side of the structure is enclosed to the rear but open on its left hand side and front - it has similar internal dimensions.

Externally the structure would, on three sides, sit on a brickwork plinth. The supporting columns would be oak; flank, rear and gables ends would be oak featheredge boarding and the roof would be interlocking tiles to match the existing dwelling.

### 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 design, ergo the external appearance, of the structure is entirely acceptable; notwithstanding this the siting (significantly forward of the building line and occupying the central parts of the boundary), height (in excess of 4m high) and scale (5m x 5.6m) of the proposed development does not relate well to its surrounding nor does it respect existing street patterns.

### 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'.

The structure would be sited adjacent the boundary with No. 209, just less than 5m forward of what is labelled on their floorplans as a habitable room. The amenities of occupiers of this room would be harmed as a result of the proposed building's siting, mass and height. Further, sited to the east/south of this room the height and massing of the building are likely to cause a loss of daylight as this room is served by one forward-facing window.

### Highway Issues

The development proposes a carport/garage; the internal dimensions of the garage are significantly below the required 7m x 3m and cannot therefore be deemed a viable parking space. Notwithstanding this; ample space exists on the hardstanding to accommodate at least two vehicles.

### Conclusion

The proposed structure would harm the open, spacious character of the locale by reason of the introduction of a large building forward of the perceived building line where no such other buildings exist in the locale. Permitting such a building would weaken the Local Planning Authority's position to defend such development in the future which would, over time, harm features which contribute to the character of that area.

The proposed structure would harm the amenities in respect of loss of outlook, natural light and the overbearing and oppressive nature of the development by reason of the height, scale and massing adjacent the boundary in close proximity to a habitable room, served by one forward-facing window.

Other

A letter of support has been received from the applicant; submitted in response to the concerns raised by the Local Planning Authority.

<p>The loss of sunlight to our bedroom, kitchen and bathroom was deemed acceptable in the approval of planning permission for the development at 209 London Road.</p>	<p>Each application is determined on its own merits; the development proposed is not comparable in terms of its design, scale nor siting.</p>	<p>Little weight can be attributed to this statement as a material consideration.</p>
<p>The design of the cart lodge has an open side and front facing 209 London Road resulting in almost no loss of light.</p>	<p>Incorrect, the open side faces the application site and the open front faces No. 201. The elevation facing No. 209 has a solid appearance.</p>	<p>No weight can be attributed to this statement as a material consideration.</p>
<p>Although the development is on the northern side of the public house it is below the permitted four meter allowance height for outbuildings.</p>	<p>Permitted development rights do not apply to structures forward of the principle elevation. The structure exceeds all parameters for permitted development in relation to its height.</p>	<p>No weight can be attributed to this statement as a material consideration.</p>
<p>The cart lodge is not a permanent structure.</p>	<p>The structure requires a reinforced concrete oversite and three courses of brickwork in addition to posts and beams. The works required to erect the structure are deemed to be permanent.</p>	<p>No weight can be attributed to this statement as a material consideration.</p>
<p>It is needed to replace the function of the existing integral garage which, because of its old fashioned design, is no longer large enough to house modern vehicles.</p>	<p>The proposed garage space does not comply with the required internal dimensions of 7m x 3m.</p>	<p>Little weight can be attributed to this statement as a material consideration.</p>
<p>Very close to the listed Robin Hood pub, a new bungalow has been built in the front garden in front of an existing property. Two semi-detached brick built bungalows have also been built forward of the building line along North Road. Recently a double garage of brick built design was built on Sladbury's Lane forward of the building line. These type of cart lodges, built in front of the property, are commonplace throughout Tendring</p>	<p>Each application for development is determined on its own merits; there are no details provided of the specific locations of these developments (Sladbury's Lane is almost 2 miles away), but none appear to be within the immediate locale (visually).</p>	<p>Little weight can be attributed to this statement as a material consideration.</p>

**6. Recommendation**

Refusal - Full

## **7. Conditions / Reasons for Refusal**

- 1 The National Planning Policy Framework 2019 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The adopted Tendring District Local Plan 2007 Saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the emerging Local Plan Publication Draft 2017.

The proposed structure would harm the open, spacious character of the locale by reason of the introduction of a large building forward of the perceived building line where no such other buildings exist in the locale; contrary to the aforementioned policies.

- 2 Paragraph 127 of the National Planning Policy Framework 2019 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 of the Tendring District Local Plan (2007) 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. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

The proposed structure would harm the amenities of the adjacent property No. 209 in respect of the overbearing and oppressive nature of the development by reason of its height, scale and massing adjacent to the boundary and, by reason of being in close proximity to a habitable room served by one forward-facing window, resulting in the loss of outlook and loss of natural light, contrary to the aforementioned policies.

## **8. Informatives**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO