

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	17.07.19
Planning Development Manager authorisation:	TF	17.07.19
Admin checks / despatch completed	AP	17/7/19

**Application:** 19/00776/FUL **Town / Parish:** Brightlingsea Town Council *LNE*  
**Applicant:** Mr Warren Edwards  
**Address:** 41 Silcott Street Brightlingsea Colchester  
**Development:** Proposed demolition of existing rear garage and construction of new garage.

### 1. Town / Parish Council

Brightlingsea Town Council      No objection to the application

### 2. Consultation Responses

None received

### 3. Planning History

19/00776/FUL      Proposed demolition of existing rear garage and construction of new garage.      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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 dwelling is a late 19<sup>th</sup> century detached period dwelling of red brick and slate-roofed construction. There is an eclectic mix of design of the properties in the locale, though they were all of a similar size when originally constructed; whether part of an original terrace, semi-detached or detached. The dwellings on the south west side of the street don't have off-street parking to the front of the property, however many (including the application site) have rear access which is gained from the adjacent Colne Road; some properties have erected garages whereas others have a simple parking space. The existing garages are of a simple design and single storey in nature. No details have been submitted in regards to the height of the existing garage but it has a footprint in the region of 18sqm and a low-key shallow mon-pitched roof, it is set back from the rear edge of the footpath by around 2m. Any applications for development in this area of the curtilage should be assessed for their impact on the character of Colne Road.

### **Description of Proposal**

The application proposes replacing the existing garage. The new garage would be set back from the footpath by around 4m; it would predominately fill the width of the plot at 4.2m and have a depth around 8.1m. The roof would be dual-pitched and the eaves of the garage would be in the region of 4.1m and a ridge a little under 6.7m. A Section gives dimensions that show, internally, 0.9m height to eaves and 2.3m to internal supports 2.3m above the internal finished floor. Externally the garage would be accessed through 2.5m high doors, with openings at first floor and rooflights in each of the roofslopes. Externally the garage would be rendered with a fibre-cement slate roof.

### **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 & 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 17 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 of the Saved Plan 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.

It is considered that the scale of the proposed garage, particularly in the context of its height, does not relate well to its surroundings. Allowing a development of this height, mass and scale that would be highly visible in the streetscene would dominate and irrevocably harm the character of the area which is one which contains subordinate structures, rear boundary fencing and informal off-street parking features that clearly form part of the back-gardens of those properties on Silcott Street.

In order for the replacement garage to be of a suitable scale it is advised that the eaves are reduced by at least 1m; the internal head height is shown as 3.4m. Internal head height for a storage area needs only to be 1.8m and this height only needs to be achieved along the length of the ridge. A scheme which incorporates reductions both internally and externally as advised is more likely to be an appropriate form of development.

### Impact to Neighbouring Amenities

The NPPF, at paragraph 17 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 Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the orientation of the application site and separation distances (16m to No. 65 Colne Road) there is no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

### Highway Issues

The dimensions of the existing garage are such that it falls considerably short of the minimum internal dimensions for a modern garage. The proposed dimensions are more than adequate in terms of its width and depth to accommodate a vehicle.

### Other

One comment has been received from an adjoining neighbour which primarily supports the proposal; they suggest however that they would require there to be a 1m gap between their garage wall and the wall of the new build, so they can have access to any part of their building.

Providing access for maintenance holds little weight as a material consideration as this would be a civil matter between the two neighbours.

## 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, by reason of its height, mass, scale and, being highly visible in the streetscene, would dominate and irrevocably harm the character of the streetscene which is one that comprises subordinate structures, rear boundary fencing and informal parking spaces, which clearly belong to the back-gardens of properties on Silcott Street; 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; an email was sent to the applicant on 19<sup>th</sup> June but no response was received. As no telephone number was submitted with the application a subsequent letter was sent on 4<sup>th</sup> July which detailed the concerns. In response to this the applicant left a voicemail with the Local Planning Authority; a return voicemail was left on 10<sup>th</sup> July – no further calls were received. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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