

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	02/08/2019
Planning Development Manager authorisation:	TF	08/08/2019
Admin checks / despatch completed	TF	09/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	09/08/19

Application: 19/00886/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Mr & Mrs Austin

Address: 1 Botany Mews Harwich Road Little Clacton

Development Proposed new build annexe in rear garden.

1. Town / Parish Council

Little Clacton Parish Council This is back land development. There is no connection to the existing dwelling therefore the land could be split into two individual properties. As a separate dwelling with all services and facilities we have concerns with regards to access and adequate parking. If approved we would ask for a condition to be attached that the building is not for residential use.

Little Clacton Parish Council recommend refusal of this planning application.

2. Consultation Responses

N/A

3. Planning History

19/00886/FUL Proposed new build annexe in rear garden. 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
HG9 Private Amenity Space

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 application site is located to the north of Harwich Road, inside the development boundary of Little Clacton. It is accessed via an unmade access track, and serves a two storey dwelling, recently constructed under application reference 17/01863/FUL. The dwelling is constructed of a render and brick combination with a tiled roof. The front of the site is paved with parking in excess of 4 no. cars. A detached double garage is also located to the front (south) of the dwelling. The rear of the site consists of a large irregular shaped garden area with patio adjacent to the dwelling with the remainder being laid to lawn. Mature trees line the site boundary to the north and west of the site. A further dwelling approved under reference 17/01863/FUL is currently under construction to the south east of the site.

Proposal

The application proposes a detached 1 no. bedroom annexe in the rear garden. The annexe will measure 13.95m wide by 6.975m deep, with an eaves height of 2.6m and a ridge height of 5.15m. It will be constructed using Ibstock Bexhill Purple multi brickwork or similar, with Marley Eternit Acme Single Camber Plain Clay Roof Tiles in Farmhouse Brown colour or similar.

The original application submission was for a 2 bedroom annexe that was over 2m wider than that being determined. This original proposal was considered to be of an excessive scale that took on the form of a new dwelling. However, the reduction in size and the inclusion of a justification statement ensuring reliance on the main dwelling has now enabled the application to be viewed more acceptably.

Representations

Little Clacton Parish Council objected to the original application for the following reasons:

- Backland development.
- No connection to existing dwelling - land could be split to form separate dwelling raising concerns over access and parking.
- Condition to restrict separate residence requested.

(Officer Comments: The scale of development has been reduced and a statement provided to justify reliance on main dwelling. A condition will be imposed to ensure the annexe is ancillary to the main dwelling)

Assessment

The main considerations of this application are the design and the impact on residential amenity.

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.

Design

The proposed annexe building is considered to be of a scale and nature that is in keeping with the site and the surrounding area. The annexe has a large footprint and a pitch of over 5m, but a relatively modest eaves height, which results in an overall scale that is considered to be acceptable due to the large garden area within which the annexe is situated. The development will not be publicly visible as it will be entirely screened by the host dwelling. The use of materials is acceptable as they will match the host dwelling so are not considered to have an adverse impact on the locality. Adequate private amenity space will be retained for the occupiers of the property.

A justification statement has been provided with the application to confirm the annexe's reliance on the main dwelling, known as No. 1 Botany Mews. A condition will be imposed on the permission to ensure the annexe is ancillary to the main dwelling, as a new dwelling will need to be considered under different policy considerations and may not be supported.

Impact on Residential Amenity

The annexe building is located in the North West corner of the application site. Whilst being located a minimum of 1.5m from the northern and western boundaries, these boundaries adjacent to the annexe do not face onto residential property, but face predominantly onto open countryside.

The annexe will be located approximately 20m from the dwelling being constructed to the south east of the application site. Furthermore, the annexe will be located a significant distance from the development to the west of the application site.

For these reasons, due to the single storey nature of development and position within the site, the development is not considered to cause any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property.

Other Considerations

In line with current parking standards, sufficient parking is available at the site to allow for extra parking that may occur as a result of the annexe.

Conclusion

It is considered that the proposed development is 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 plan: Drawing Number PA.001 Revision C, PA.002 Revision B and PA.004 Revision B, and e-mail confirming facing materials dated 26 July 2019.

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

- 3 The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Botany Mews, Harwich Road, Little Clacton, Essex, CO16 9NL.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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