

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	19/08/2019
Planning Development Manager authorisation:	AN	19/8/19
Admin checks / despatch completed	SB	20/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	20/08/19

**Application:** 19/00952/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr & Mrs Hester

**Address:** Shrublands Dedham Road Ardleigh

**Development:** Proposed alterations to existing residential property incorporating erection of pool house and new entrance gates and boundary treatment.

### 1. Town / Parish Council

Ardleigh Parish Council      No Comments received

### 2. Consultation Responses

ECC Highways Dept      The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

01/00665/FUL	Change of use of adjoining land from arable to garden	Approved	11.07.2001
02/00976/FUL	Two storey rear/side extension forming study utility room, bedroom and bathroom.	Approved	18.07.2002
97/00447/FUL	First floor en-suite bathroom extension over existing extension at side	Approved	02.06.1997
99/00492/FUL	Single storey rear extension to	Approved	24.05.1999

	form dining room		
83/00278/FUL	Single storey extn to provide lounge	Approved	22.04.1983
15/00451/FUL	Double side extension.	Approved	03.06.2015
19/00952/FUL	Proposed alterations to existing residential property incorporating erection of pool house and new entrance gates and boundary treatment.	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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

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)

### Application Site

The application site comprises of a north facing detached dwelling which is set back from the highway. The sites boundaries play host to ample planting and hedging screening much of the existing house from public view. A break in the hedge makes way for an existing vehicular access by way of wooden gates which open to a driveway leading up to the main house. The dwelling itself is finished in grey render and has a number of amenities outside such as tennis court, swimming pool and patio area.

### Proposal

This application seeks permission for the erection of a single storey pool house outbuilding and new entrance gates along with associated boundary treatment.

### Assessment

#### Design and Appearance

The proposed outbuilding will be positioned behind the main dwelling and will therefore not be publicly visible within the streetscene.

The proposed outbuilding will be large in size and finished in grey render which will match the existing dwelling. Whilst the proposed outbuilding will be large in size it will not be visible from the front of the site due to screening by the host dwelling. It is also noted that the site is of a large enough size to accommodate the proposal and still retain sufficient private amenity space. The proposed gates and boundary treatment will be visible from the front of the site. The site has existing fencing running along its boundary and gates to the front. The proposed gates include brick pillars which will be set back from the front of the site by 3m. This will reduce their prominence within the streetscene.

As a result of such few residential properties in close proximity to the site there is no definitive character set to this section of the streetscene and whilst the gates would be a change to the appearance of the site due to their low height of 2.3m and their set back from the streetscene they would not result in a harmful impact to the overall appearance and character of the area. The gates will comprise of hardwood gates together with brick plinth and panels. These would be capped with clay hog tiles. These features and use of materials are prevalent within this rural setting.

The site is situated outside the housing settlement limits however as the proposal will be in keeping with the existing character of the dwelling and will not harm the character of the surrounding area the proposal meets Policy HG12 of the Adopted Local Plan 2007.

#### Highway Safety

As the proposal includes gates which are close to the highway Essex County Council Highways have been consulted as part of the application and have raised no objections to the proposal. The gates will be set back from the highway a further 1.8m than the existing gates which would allow vehicles to access and leave the site in a safe manner.

The proposal would therefore not result in a harmful impact in terms of highway safety.

#### Impact on neighbours

There are no immediate residential neighbours to the site

Sited to the south is a commercial building with ample planting along its boundary which will screen the proposed outbuilding from view. The gates will also be screened by the main house and boundary planting and will not be visible to this commercial premises. The proposal would therefore not result in a harmful impact in terms of loss of residential amenities.

#### Impact on Trees

The construction of the proposed Pool House will necessitate the removal of a small, centrally situated, shrub bed containing Bamboo, Viburnum and Fatsia ' this will not adversely affect the amenities of the locality. The Pool House will be close to the boundary hedge comprising of an evergreen coniferous species. There are two small trees on the western side of the hedge. Neither the hedge nor the trees will be harmed by the development proposal.

The proposed amendments to the vehicular access from Dedham Road have the potential to cause harm to the Oak and Poplars on the boundary with Dedham Road.

In order to show that the improvements to the entrance can be carried out without causing harm to the trees applicant has provided an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations and adequately demonstrates that the works can be carried out without causing harm to the boundary trees.

The proposal incorporates landscaping to assist in softening the appearance of the development and therefore there appears to be little need for additional soft landscaping to be carried out to make the development proposal acceptable.

#### Other Considerations

Ardleigh Parish Council have not commented on the application  
No further letters of representation have been received

#### Conclusion

In the absence of material harm resulting from the proposed 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 plans; 1173.L.005 received on 25th June 2019, 1173.L.004A received on 15th August 2019, 1173.L.006 received on 15th August 2019, and Arboricultural Impact Assessment.

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

- 3 The approved scheme of landscaping shown on drawing no.1173.L.006 shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

4. Development shall be carried out in full accordance with the Arboricultural Impact Assessment. Tree protection measures shall be in place prior to commencement of development and retained for the duration of the construction period.

Reason - To ensure retention of existing trees.

## 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.

### Highways Informative

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