

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	20/09/2019
Planning Development Manager authorisation:	TF	20/09/2019
Admin checks / despatch completed	<i>TF</i>	<i>20/09/19</i>
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>SB</i>	<i>20/09/2019</i>

**Application:** 19/01123/FUL **Town / Parish:** Great Bentley Parish Council

**Applicant:** S Morton

**Address:** Bell Cottage The Path Great Bentley

**Development:** Replacement garage (following demolition of existing garage), new garden room and alteration to existing fence line.

### 1. Town / Parish Council

Mrs Parish Clerk

On 5th September 2019 Great Bentley Parish Council Planning Committee resolved to make no comment regarding this application.

### 2. Consultation Responses

N/A

### 3. Planning History

01/01345/TCA	Cut down Sycamore tree	Refused	21.09.2001
08/00569/TCA	3 No. deciduous trees - reduce crowns by 33% to previous reduction	Approved	29.04.2008
10/00247/FUL	Proposed alterations and extensions.	Approved	05.05.2010
10/00248/CON	Proposed alterations and extensions.		09.03.2010
13/00326/TCA	3 No. deciduous trees (unknown species) - prune to 1 metre below previous cutting points and thin remaining branches by 1/3.	Approved	23.04.2013
16/01336/TCA	Sycamore branches overhanging neighbours garden	Approved	20.09.2016
18/00691/TCA	3 No. Sycamore - Fell.	Approved	21.05.2018

19/01123/FUL      Replacement garage (following demolition of existing garage), new garden room and alteration to existing fence line.      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

EN17 Conservation Areas

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

SPL3 Sustainable Design

PPL8 Conservation Areas

#### 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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 is located to the west of The Path, and is within the Great Bentley Conservation area, inside the development boundary of Great Bentley. It serves a detached dwelling constructed of hardie plank with a slate roof. The front of the site has hedging on the boundaries and is laid to lawn. To the south of the site is a private drive way that leads to the existing garage to the north and a laid to lawn area to the south, located to the rear of Goosebecks Cottage, The Path.

### Proposal

This application seeks planning permission for the demolition of the existing garage and to replace this with a garden room, to alter the existing fence line to encompass this area within the rear garden and to erect a garage on the piece of land to the south of the host dwelling. The proposed garden room will measure a maximum depth of 5m, 4m wide, and will have a pitched roof with a maximum height of 3.2m. The proposed garage will measure a maximum depth of 6m, 6m wide, and will have a pitched roof with a maximum height of 3.6m. The garden room will be constructed of Hardie plank with a slate roof to match the existing host dwelling. The garage will be constructed of weather boarding with a slate roof. The proposed fence is to be 7.6m in width to the south side of the site and is proposed to be 4m in width to the west side of the site, the fence materials are match the existing fence.

### Assessment

The main considerations of this application are the design, highway safety, the impact upon residential amenity and the impact upon the Great Bentley Conservation Area.

### Policy Considerations

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, Appearance and effect of Conservation area

The proposed rear garden room and garage is considered to be of a scale and nature appropriate to the site and the surrounding area. The use of matching materials will blend the development with the host dwelling. There will be no views of the proposals from The Path, so the development will not be publicly visible or have any impact upon the street scene or conservation area. They propose to use the doors of the existing garage and then build the garage in matching materials of the existing garage.

The proposed fencing will increase the private amenity area and will encompass the proposed garden room. The fencing is proposed to carry on from the existing fence lines that are currently there and will only be partly visible from the street scene. However, due to matching materials it is considered that the proposal will not cause any significant impact upon the street scene of The Path or the conservation area.

The proposed development is therefore considered to be in keeping with the host dwelling and is acceptable in design terms.

The application site lies within Great Bentley Conservation Area, the Conservation Area Appraisal does not specifically refer to the application site. A heritage statement has been provided, within the design and access statement, to justify how the proposal will either preserve or enhance the area. It is considered that the impact of the proposal on the Conservation Area will be minimal due

to the proposals being located to the rear of the property; it is considered that the proposals will not cause any harmful impact upon the character or appearance of the Conservation area.

### Highway Safety

Adopted Parking Standards state a dwelling with two or more bedrooms should have provision for two parking spaces with minimum measurements of 5.5m x 2.9m or a garage, if being relied upon as one of the parking spaces, minimum internal dimensions of 7m x 3m. The proposed plans show that the garage will be 6m x 6m therefore will be 1m shorter than the stated Adopted Parking Standards. However, there is sufficient space on the site to accommodate for at least two vehicles. It is also important to note that the existing garage at the site measures 6m x 6m.

### Impact on Residential Amenity

The rear garden room is proposed to be a distance of a minimum 1m to the shared boundary to the north, with The Shades, The Path. A distance of 7.4m to the western shared boundary with New Cottage, The Path, and a proposed distance of 10m from the shared boundary, to the south, with Goosebecks Cottage, The Path. As the proposal is for a single storey garden room and due to the distance to the neighbouring properties, there will be no significant adverse impact on the daylight, privacy or other amenities currently enjoyed by the neighbouring property.

The proposed garage is proposed to be a distance of a minimum 21m to the shared boundary with The Shades, The Path. A distance of 3.3m to the shared boundary with New Cottage, The Path, and a proposed distance of 3.4m from the shared boundary with Goosebecks Cottage, The Path. As the proposal is for a single storey garage and due to the distance to the neighbouring properties and location of the proposal, there will be no significant adverse impact on the daylight, privacy or other amenities currently enjoyed by the neighbouring property.

Due to the siting of the proposed fencing it will not cause any significant impact to the neighbouring properties.

### Other Considerations

Great Bentley Parish Council has no comment on this planning application. No other letters of representation have been received.

### 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 / 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 plans; drawing no. P01.

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

## 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	<b>YES</b>	<b>NO</b>

