

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	03/10/2019
Planning Development Manager authorisation:	IF	04/10/19
Admin checks / despatch completed	SB	04/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EXL	04/10/19

Application: 19/00961/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr Clarke

Address: 15 Victoria Place Brightlingsea Colchester

Development: Proposed replacement outbuilding.

1. Town / Parish Council

Brightlingsea Town Council Supports the application.

2. Consultation Responses

N/A

3. Planning History

19/00961/FUL Proposed replacement outbuilding. 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
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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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)

Site Description

The application site is located to the south west, on the bend of Victoria Place, inside the development boundary of Brightlingsea and within the Brightlingsea Conservation Area. The site serves a detached double fronted residential cottage constructed with a red brick façade, a slate roof and rough white render to the rear elevation, with single storey brick built projections on the south eastern side boundary. The front elevation of the property abuts the footpath, with no front garden area. The rear of the site is laid to lawn with established planting, a patio area and a brick outbuilding/store located at the rear of the garden. The site has commercial properties either side: a solicitors to the east and an estate agents to the south.

Proposal

The application proposes a summerhouse/outbuilding to replace the existing store located to the rear of the site. The summerhouse will measure 5.1m wide by 4.9m deep with a pitched roof with eaves of 2.5m and a maximum ridge height of 3.6m. It will be constructed using light grey hardiplank boarding and a natural slate roof.

Assessment

The main considerations of this application are the design, conservation area and 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.

Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

Design and Impact on Conservation Area

The proposed summerhouse/outbuilding is considered to be of a scale and nature appropriate to the site and the surrounding area. It replaces the existing store and has a marginally larger floor area of 1 sq m, and rather than being built up to the boundary like the existing it will be set approximately 0.9m from the rear and southwest boundary. The structure has a relatively shallow roof pitch and will not be publicly visible, thereby having no adverse impact on the street scene. Due to its single storey nature and location to the rear of the dwelling the use of boarding is considered acceptable, and the slate roof will match the host dwelling.

It is unclear from the application documents how many bedrooms the main dwelling has, but Policy HG9 of the Tendring District Local Plan (2007) states that for houses with 2 bedrooms a minimum of 75 square metres of private amenity space should be provided, for three bedroom dwellings a minimum of 100 square metres should be provided. The rear garden does not meet the requirements of Policy HG9 as existing or as proposed. However, the preamble of this policy states that "the Council is keen not to interfere in decision of personal choice as to how a rear amenity space is used". The proposed summerhouse is likely to provide the occupiers of the property with a more enjoyable amenity area than the existing store and improve their amenity area, albeit not entirely outdoors. The agent has confirmed that the summerhouse will be used ancillary to the main dwelling and for this reason there is no objection to the level of private amenity space still available to the occupiers of the property.

The site is situated within the Brightlingsea Conservation Area, and a Heritage Statement has been submitted alongside this application. The statement sets out the intentions of the application and states that "there is no architectural merit in retaining the building; its demolition will not have an adverse impact on the Conservation Area". It is agreed that due to the position to the rear of the site the development overall will not have a significant adverse impact on the setting of the Conservation Area that would warrant the refusal of planning permission.

Impact on Residential Amenity

The summerhouse/outbuilding proposes 2 no. doors to the north west elevation facing the main dwelling and 2 no. roof lights facing the rear boundary of the site. The building will be positioned further from the rear and south west boundaries whereby reducing the impact of built form on these adjacent sites. The proposed roof lights will give views skywards and will not be in close proximity to other residential properties. Due to the single storey nature of the development and as it sits on a similar footprint and floor area to the existing store to be replaced 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

Brightlingsea Town Council has submitted comments to support the application.

No letters of representation have been received.

No parking is available at the site, but the proposed summerhouse is ancillary to the main dwelling and is not considered to intensify the need for parking at the site.

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 No. 15/VPB/1.

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.

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