

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SB	10/01/2020
Planning Development Manager authorisation:	TF	10/01/2020
Admin checks / despatch completed	CC	10/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	10/01/2020

Application: 19/01559/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Tony Cookson

Address: Trap House Colchester Road Ardleigh

Development: Proposed detached garage and detached annex.

1. Town / Parish Council

Ms Rachel Fletcher The council felt that this was a large footprint compared with the size of the property and concerned that it was not appropriate and could create a precedent.

2. Consultation Responses

N/A

3. Planning History

02/00923/FUL	Erection of garage & stable block.	Approved	04.07.2002
94/00013/FUL	Erection of double storey rear extension, utility room and semi-detached double garage	Refused	22.02.1994
94/00099/FUL	Change of use of agricultural land to residential use at side and rear of property	Approved	15.03.1994
96/00353/FUL	(Land adjacent to Trap House, Colchester Road, Ardleigh) Variation of Conditions Nos. 2 and 3 to approval TEN/94/0099	Approved	10.09.1996
96/00382/FUL	Two storey rear extension. Demolition of detached single garage	Approved	19.06.1996
98/01636/FUL	Extension to dwelling	Approved	20.01.1999
06/01399/FUL	Two-storey extension.	Approved	26.10.2006

75/01177/FUL	Kitchen bathroom and garage	Approved	25.11.1975
87/01309/FUL	Provision of new exit from property	Refused	29.09.1987
08/01446/FUL	Erection of detached 2 storey dwelling and associated garage / stable block (existing dwelling to be demolished), as amended by drawing nos. 803.3/13B, 16C and 15A.	Approved	12.12.2008
09/01061/FUL	Erection of detached 2-storey dwelling (with living accommodation in the roof space) and associated garage/stable block (existing dwelling to be demolished) as amended by drawing No.'s 908.3/33A, 34A, 35B, 36B, 37B and 38B received on 12th November 2009.	Approved	03.12.2009
19/01559/FUL	Proposed detached garage and detached annex.	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

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

SPL3 Sustainable Design

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 north west of Colchester Road outside the development boundary. It serves a detached dwelling constructed of brick with a tiled roof with an existing detached garage. The front of the host dwelling has a drive made up of concrete which leads to a gravelled area for parking, the rest of the front is then laid to lawn which wraps round to the north of the dwelling house leading to the rear garden which is completely laid to lawn. The boundaries are made up of trees, shrubs and fencing.

Proposal

This application seeks planning permission for a detached annex and detached garage to the north side of the host dwelling, replacing an existing detached garage. The detached garage proposal will measure a maximum depth of 7.5m, 8.1m wide, and will have a pitched roof with a maximum height of 6.8m to the roof turret and 5.3m to the top of the pitched roof. The detached annex proposal will measure a maximum depth of 10.8m, 7.7m wide, and will have a pitched roof with a maximum height of 5.6m.

The proposed materials throughout the development will consist of brick with a tiled roof to match the existing dwelling house.

Assessment

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

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.

Background

Originally the planning application proposal was for a detached garage and annex within one building measuring a height of 5.6m to the top of the pitched roof and 7.1m in height to the top of the roof turret, width of 8.1m and 18.1m deep. The annex and garage were removed from one another to form two detached outbuildings to lower the impact to the host dwelling of the bulkiness of the proposal.

Design and Appearance

The proposals are considered to be of a scale and nature appropriate to the site and the surrounding area. The proposed detached garage will be located 34m from the front boundary and will be 1.8m from the shared boundary with Radbury Cottages, due to the distance between, plot size, and the shared boundary being made up of trees and bushes, the development will not appear cramped when viewed from the road. Due to this, and the appropriate design the development will have no adverse impact upon the street scene. The proposed annex will be screened from Colchester Road by the proposed garage, therefore having no impact on the street scene.

The design of the development overall is considered to be acceptable.

Impact on Residential Amenity

The proposed detached garage will be located 1.8m and the proposed annex will be located 2.6m to the shared boundary with Radbury Cottages because of the distance to Radbury Cottages, and the shared boundary being trees and bushes, which will screen the garage and annex, and the position and orientation of the dwelling at Radbury Cottages there will be no impact on the daylight, privacy or other amenities currently enjoyed by neighbouring property. It is important to note that the area to the north east of the host dwelling is a large horse field.

The proposals will be a minimum of 16.9m to the neighbouring property, The Gables, due to this distance there will be no impact on the daylight, privacy or other amenities currently enjoyed by this neighbouring property.

Other Considerations

Ardleigh Parish Council had concerns regarding the large footprint of the proposal, that it was not appropriate with the host dwelling and that it may set a precedent.

The above comments were made on the original submitted plans, the plans were then amended to detach the garage and annex from one another meaning that the footprint is now put over two outbuildings rather than one lowering the impact of the outbuilding be too bulky. This then allowed for the proposal to now be appropriate to the host dwelling and the surrounding area.

No further letters of representation were 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. 1909.1/10, 1909.1/11, 1909.1/12 and 1909.1/13.

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 Trap House Colchester Road Ardleigh Colchester Essex CO7 7PQ.

Reason - The site is unsuitable for an additional independent residential unit.

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.

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