

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/02/20
Planning Development Manager authorisation:	TF	20/02/2020
Admin checks / despatch completed	CC	20/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	YNE	20/02/2020

Application: 19/01789/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Mr and Mrs Batholomew

Address: Alta Vista Ash Street Wrabness

Development: Proposed detached garage.

1. Town / Parish Council

Wrabness Parish Council No Comment

2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the Highway Authority does not object to the proposals as submitted.

Informative:

1: All double garages should have a minimum internal measurement of 7m x 5.5.

To encourage the use of garages for their intended purpose and to discourage on-street parking.

2: 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 or by post to:

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

Essex County Council
Heritage

The above concerns Alta Vista. The application site adjoins the Parish Church of All Saints, a Grade II* listed (HE Ref: 1112074) building, where its Grade II listed bellhouse (HE Ref: 1147875) is also sited.

Not supported and recommend it is refused.

The proposed changes are considered detrimental to the setting of the listed structures. The location of the garage is out of keeping with the streetscene and visually prominent in views of the church and the listed bellhouse. The building line is typically set well back from the road in the area, and this proposal is in contrast to this. The proposal will adversely impact on the setting of the bellhouse and the church and the manner in which this contributes to its significance. No Heritage Statement has been provided and as such the application is not compliant with paragraph 189. It is however possible to find a proposed garage in this location inappropriate in principle, further exacerbating inappropriate built form in the setting of these significant designated heritage assets.

The scheme is considered to cause "less than substantial harm" to the significance of designated heritage assets as derived from their setting and paragraph 196 of the NPPF is relevant.

3. Planning History

93/00817/FUL	(Shrublands, Church Road, Wrabness) Formation of a wildlife pond	Approved	02.09.1993
19/01040/FUL	Proposed alterations to rear dormer, replacement conservatory, porch and new rear dormer.	Approved	07.11.2019

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
- EN23 Development Within the Proximity of a Listed Building
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL3 Sustainable Design
- PPL9 Listed Buildings

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 comprises of a south facing detached dwelling with an existing attached garage. The dwelling is sited a suitable distance from the front of the site with planting along its front boundary. Positioned in the roof plane on the front elevation are three rendered pitched roof dormer windows and in the rear is an existing flat roof dormer window.

The site is located outside of the development boundary and is adjacent to "All Saints Church" which comprises of a Grade II* Listed Building and its associated "Bellhouse" positioned to the front which is Grade II listed.

Proposal

This application seeks planning permission for a detached garage measuring 6.2 metres by 6.5 metres with an overall height of 3.5 metres.

Planning History

Planning permission was granted under planning reference 19/01040/FUL for the proposed alterations to rear dormer, replacement conservatory, porch and new rear dormer. Upon initial receipt of the application the application also included a front garage and alterations to the front dormer windows. During the course of the application it was considered that due to their design these elements would result in a significant harmful impact to the overall appearance and character of the existing dwelling. It was also considered that these elements would have a harmful impact to the neighbouring Grade II Star listed building. After discussions with the agent and comments received from ECC Heritage confirming these findings these elements were removed from the proposal.

Assessment

The main considerations of this application will be the visual and heritage impact, impact upon neighbouring amenities and parking provision.

Visual and Heritage Impact

Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

As the application site is located adjacent to All Saints Church, a Grade II* Listed Building with its associated "Bellhouse" positioned to the front which is Grade II listed, the ECC Historic Environment Team has been consulted on this application. They have stated that there is an objection to the proposal as the garage is considered detrimental to the setting of the listed structures. The location of the garage is out of keeping with the street scene and visually prominent in views of the church and the listed bellhouse. The building line is typically set well back from the road in the area, and this proposal is in contrast to this. The proposal will adversely impact on the setting of the bellhouse and the church and the manner in which this contributes to its significance. No Heritage Statement has been provided and as such the application is not compliant with paragraph 189. It is however possible to find a proposed garage in this location inappropriate in principle, further exacerbating inappropriate built form in the setting of these significant designated heritage assets. Therefore it is considered that the proposed garage would cause significant harm upon the setting of both Listed Buildings.

Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal will be visible to both 'Broadview' located to the west and 'All Saints Church' located to the east of the application site. Due to the single storey nature of the proposal it is considered that the garage will not cause any loss of light, overlooking onto neighbouring amenities.

Highways

Essex County Highways have been consulted on this application and do not raise any objections. The proposal will introduce a double garage which will measure 6.2 metres by 6.5. The proposal therefore falls short of the Essex Parking Standards however there is sufficient parking located to the front of the application site. The proposal is therefore considered acceptable in terms of parking amenity.

Other Considerations

Wrabness Parish Council have no comment to make on this application.

There have been no other letters of representation received.

6. Recommendation

Refusal - Full

7. Conditions / Reasons for Refusal

- 1 Paragraph 196 of the National Planning Policy Framework (NPPF) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within Policy PPL9 of the Emerging Plan.

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is located adjacent to All Saints Church, a Grade II* Listed Building with its associated "Bellhouse" positioned to the front which is Grade II listed. It is considered by virtue of its siting and close proximity that the proposed garage will have a detrimental impact on the setting of the listed structures. The location of the garage is out of keeping with the street scene and visually prominent in views of the church and the listed bellhouse. The building line is typically set well back from the road in the area, and this proposal is in contrast to this. The proposal will adversely impact on the setting of the bellhouse and the church and the manner in which this contributes to its significance. No Heritage Statement has been provided and as such the application is not compliant with paragraph 189 of the NPPF. It is however possible to find a proposed garage in this location inappropriate in principle, further exacerbating inappropriate built form in the setting of these significant designated heritage assets. Therefore the proposal is contrary to policy.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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