

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	28/02/2020
Planning Development Manager authorisation:	TF	02/03/2020
Admin checks / despatch completed	SB	02/03/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	2/3/2020

Application: 20/00028/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr R Sultana

Address: Ash Cottage 73 Frinton Road Thorpe Le Soken

Development Proposed pitched roof to garage.

1. Town / Parish Council

Thorpe le Soken Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

19/00760/FUL Proposed alterations, additions and garage. Approved 12.07.2019

20/00028/FUL Proposed pitched roof to garage. 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

Local Planning Guidance
Essex Design Guide

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 north of Frinton Road, inside the development boundary of Thorpe le Soken. It serves a semi detached two storey dwelling constructed of red brick and render with a tile roof, with a small gable on the front elevation. A gable front porch and two storey side extension, approved under application reference 19/00760/FUL was under construction at the time of the officer site visit, as well as the detached garage in the rear garden, which is subject to this application. The front of the site has gated access and has the ability to include off road parking of at least 2 no. cars. The rear of the site consists of an extensive rear garden of approximately 30m depth and has close boarded fencing on the boundaries with an outbuilding close to the rear boundary. At the time of the site visit both the front and rear gardens were a combination of mud and boarding. Beyond the site to the north and east is open countryside.

Proposal

The application proposes a pitched roof to the flat roof garage approved under application reference 19/00760/FUL. At the time of the site visit the garage was built up to the eaves. The garage will have an eaves height of 2.7m and a ridge height of 4.65m. The footprint of the garage will not alter. The pitched roof will be constructed using clay plain tiles to match the host dwelling.

Representations

Thorpe Le Soken Parish Council has not commented on the application.

Two letters of objection have been received from the attached neighbour setting out the following concerns:

- No site notice displayed (the site notice was out up at the site and displayed on the entrance gates for the 21 days period in line with protocol).
- Loss of a view (not a material planning consideration)
- Lack of daylight (see officer report)
- Loss of privacy as a result of large trees being cut down (the site is not within a conservation area and the trees were not protected so these could be removed without the need for planning permission).
- Hours of construction, noise and untidy site (not a material planning consideration for a minor householder planning application)

Assessment

The main considerations of this application are the design 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.

Design

The footprint of the garage is built and is not altering; it has already been determined under application 19/00760/FUL that the principle of the garage is acceptable. The proposed pitched roof is considered to be acceptable in relation to the site and the surrounding area. Whilst the inclusion of a pitched roof from flat roof will increase the scale of the garage, the garage is located within a large plot so will not look cramped within the plot. The use of roof tiles to match the host dwelling will blend the development with the host dwelling. Furthermore, the garage will be screened from the front of the site by the existing dwelling and extension, and due to the strong vegetation along the adjacent field's front boundary the development will be mostly screen from the road on approach from the east, thereby resulting in no significant adverse visual impact on the street scene. The inclusion of a pitched roof to the garage is therefore considered acceptable in design terms.

Impact on Residential Amenity

The proposed garage will be located over 7m from the boundary with the only adjacent neighbour at No. 71 Frinton Road. Due to the eaves height of only 2.7m and with only a door to the rear of the side elevation that faces towards the neighbour there is not considered to be any significant adverse impact on the daylight, privacy or other amenities currently enjoyed by this neighbour that would warrant a refusal of planning permission.

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: the garage details contained within Drawing No. 3C and Drawing No. 4D.

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