

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL9 Listed Buildings

LPG Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Site Description

The application property is a semi-detached house on the southern side of Fronks Road, Dovercourt.

The property has an existing vehicular access onto Fronks Road.

Proposal

Erection of detached garage.

The proposed garage would be set to the side of the house at the end of an existing drive to the left hand side of the house. The rear elevation of the garage would be level with the rear elevation of the house. The front elevation of the garage would be set some 15m from the front boundary of the property and some 10m back from the front elevation of the house.

The proposed garage would be 5.4m long by 3.0m wide and have a gable roof with a shallow pitch. The roof would have a maximum height of 2.5m to the ridge, 1.9m to the eaves. A pair of side hung white painted timber doors would face the street and effectively taking up the whole of the front elevation to the garage. External walls would have a white painted plain concrete finish to the concrete sectional structure. The roof would be of polyester coated profiled steel sheeting with a galvanised steel ridging system. Facias and barge boards would be painted white. On the rear elevation of the garage would be a white painted pedestrian door and a window.

Appraisal

The detached garage would have a concrete sectional design to the walls and have metal sheeting to the roof. Such a design would in many instances be unacceptable. However, having examined the detail of the design, it is considered acceptable. The external walls would have a smooth finish and be painted white. A condition to require such painting before first use of the garage is considered reasonable since it is an element to the design set out in the application and since this would be a relatively inexpensive element to the garage as a whole. The material to the roof would in the main have a polyester finish. More importantly, due to the shallow pitch of the roof and its setting, tucked back from the road and screened by existing built forms, perspective would ensure that the roof would effectively not be seen. Any public view of the garage would be from a very narrow field of view on Fronks Road and the sight would be of double doors of a traditional design and high standard; side hung timber doors painted white. The proposal is acceptable with regard to Policy QL9.

The property next door but one is a Listed Building. However, the positioning of the garage, set well back from the road and dwarfed by the flank wall of the house it would serve are such that it would have no material effect to the setting of Trinity Cottages in this fairly dense and varied streetscape. The proposal is acceptable with regard to Policy EN23.

The application property is set between two neighbours; no. 25, to the left hand side when viewed from the road, and no. 29, the attached neighbour. However, because the rear elevation of the garage would be no deeper than the rear elevation of the house, only one neighbour could be affected; no. 25. 25 Fronks Road is orientated to the east by northeast of the house at the application property. The garage would create no loss of direct sunlight to no. 25 since afternoon sunlight would be blocked by the two-storey built form of the existing house. The block plan shows that the garage would be spaced off the common boundary. The house at no. 25 is set off this common boundary by the width of its own driveway. Due to orientation and isolation distance, the proposal is considered acceptable with regard to Policy QL11.

A letter of notification was sent to the occupier of an adjoining property. An objection has been received on the ground of the application form being incomplete and on the ground of inappropriate design with particular regard to the materials to be used. The comment of objection refers to when the pair of semi-detached houses, of which the application property forms half, materials had sympathy with the adjacent listed Trinity Cottages. The objection argues that the current proposal does not maintain this architectural and materials sympathy, particularly by its choice of polyester coated profiled steel roofing.

Whilst the comments of a neighbour are noted, the comments are not supported. The application form is incomplete only with regard to contact details for the agent; the application is valid. Whilst the roofing material is not ideal, it would effectively not be in public view given how far back the garage would be from the road and that it would be screened from oblique views along the highway by the built forms of the house on the application property, to the west, and by the house at no. 25, to the east.

An email has been received stating that, with regard to a covenant, Trinity House has no objection to the erection of the garage as submitted.

6. Recommendation

Approval.

7. Conditions / Reasons for Approval

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: 2005.2; 2005.2/0; and, 2005.2/1A.

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

3. Prior to first use of the garage hereby permitted the external surfaces of the walls shall be painted white in a manner such that the concrete material of the walls is not visible and the pair of doors shall be painted white such that the timber of the doors is not visible from the road.

Reason – To ensure the development is completed in accordance with the presentation of the application hereby granted planning permission and in the interest of visual amenity in accordance with Policy QL9 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

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.

<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>