

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	25/08/2020
Planning Development Manager authorisation:	SCE	25.08.2020
Admin checks / despatch completed	CC	25/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	25/08/2020

Application: 20/00858/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr Stephen Nash
Address: 83 Clays Road Walton On The Naze Essex
Development: Proposed single storey detached garden building.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
10.08.2020

Recommended REFUSAL - Concern expressed in regard to the size of the building and lack of information as to the proposed use.

2. Consultation Responses

Not Applicable

3. Planning History

20/00858/FUL Proposed single storey detached Current
 garden building.

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)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Local Planning Guidance

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

Proposal

This application seeks permission for the erection of a single storey detached garden building

Application Site

The site is located to the east of Clays Road. The site serves a detached bungalow constructed from brickwork with a pitched tiled roof. There is a detached garage located to the north of the site, also constructed from brickwork with a pitched tiled roof. The surrounding streetscene is comprised from a mixture of single storey and two storey dwellings, materials present throughout the immediate streetscene include brickwork and cladding.

Assessment

Design and Appearance

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the

local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The proposal will be located to the rear of the site to the east. The proposed garden building will measure 3 metres deep by 4 metres wide and will have an overall height of 2.8 metres. The proposal is deemed to be of a size and scale appropriate to the existing dwelling and surrounding area. The application site can accommodate for a proposal of this size and scale whilst retaining adequate private amenity space.

The proposal will be constructed from materials appropriate to the existing dwelling and surrounding area. The exterior walls will be constructed using timber frame with grey horizontal cement board cladding, it will have a flat roof design with dark grey single ply membrane and the windows and doors will be white UPVC. Although the use of cladding is introducing a new material onto the application site, cladding can be seen within the streetscene and is therefore considered as an acceptable material. The flat roof design is also contradictory to that of the existing dwelling, however as the proposal is set back on the site and is of a minor single storey nature this design is considered to be acceptable. The proposed garden building will be located to the rear of the site and will not be visible from the streetscene of Clays Road, however, there is a public footpath located to the north of the site following down to the rear of the site, the proposal may be visible from this footpath, although it will be largely shielded by the existing fencing. As the proposal is of a design considered appropriate to the existing dwelling and surrounding area, using materials that can be seen throughout the streetscene, it is not thought to have any adverse effects on the visual amenities of the area.

Impact to Neighbouring Amenities

The NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the saved plan states that amongst 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 is of a single storey nature and therefore does not pose any significant threat of overlooking onto the adjacent neighbours.

Guidelines set out within the Essex Design Guide have been applied to the application to assess whether the proposal will have a significant impact on the loss of daylight / sunlight to neighbouring dwellings. Due to its siting on the site and the siting of the neighbouring dwellings the 45 degree extending down from the proposals roof does not intercept the neighbouring dwellings. The proposal is therefore not deemed to have any significant impact on the loss of light to the adjacent neighbours.

The proposal is therefore not deemed to have any significant effect on the loss of privacy not daylight, nor to cause any other harm to the amenities of the adjacent neighbours.

Highway issues

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

Frinton and Walton Town Council object to this application due to concern with regards to the size of the building and lack of information to the proposed use.

One other letter of objection has been received in regards to this application. The letter raised concerns over;

- The lack of information submitted with the proposal, including the size and positioning of the proposal.
- The impact the proposal will have on their neighbouring dwelling concerning drainage and the use of the building.

The proposal is deemed to be of a size and scale appropriate to the existing dwelling with adequate private amenity space being retained. The information submitted with the application is adequate to make a decision on the application, the siting of the proposal is shown on the block plan and scaled drawings of the elevations and floor plan have been submitted. With regards to the concerns raised over drainage, this is not considered as a material planning consideration and will be dealt with by building control. With regards to the concerns raised over the use of the proposed garden building, a condition has been added onto the application to adequately address this issue.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Full

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 plan; Drawing No. 01 Revision A, Document showing the proposed Site Plan titled 83 Clays Road, Walton On the Naze, CO14 8SD and proposed Block Plan titled 83 Clays Road, Walton On the Naze, CO14 8SD.

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

3. The garden building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Number 83 Clays Road, Walton on the Naze Essex.

Reason - The site is unsuitable for an additional independent residential unit and has been approved as a residential annexe ancillary to the dwelling at Number 83 Clays Road Walton on the Naze Essex.

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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO