

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	21 st Dec 2020
Planning Development Manager authorisation:	SCE	22.12.2020
Admin checks / despatch completed	ER	23.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.12.2020

Application: 20/01443/FUL **Town / Parish:** Thorrington Parish Council

Applicant: Mrs Lynne Aungier

Address: Pear Tree Cottage Clacton Road Thorrington

Development: Proposed erection of a summer house with veranda and landscaping.

1. Town / Parish Council

No comments received

2. Consultation Responses

Built Heritage Consultant I am unopposed in principle to the proposed summer house and veranda, however the proposed crown roof is not supported.

3. Planning History

04/01692/FUL	Construction of new garden room.		30.09.2004
04/01693/LBC	Construction of new garden room.	Approved	30.09.2004
13/00230/FUL	Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).	Approved	01.05.2013
13/00232/LBC	Proposed single storey side extension, side porch extension, detached double car port, garden walls, gate & driveway. (Following demolition of existing side extensions & garage).	Approved	01.05.2013
13/00547/DISCON	Discharge of condition 2 (details of the gates, wall and hardstanding area), 3 (on site parking facility for construction workers) and 4 (wheel and underbody cleaning facility) of planning permission 13/00230/FUL - FOR INFORMATION ONLY.		04.12.2015
13/00548/DISCON	Discharge of condition 2 (details of	Approved	15.10.2014

	all new windows) of listed building consent 13/00232/LBC - FOR INFORMATION ONLY.		
17/00497/FUL	Erection of single storey outbuilding.	Approved	02.06.2017
17/01523/FUL	Remove large windows from garden room and replace with smaller windows and rendered timber frame infill.	Approved	
17/01525/LBC	To remove large windows from garden room and replace with smaller windows and rendered timber frame infill.	Approved	03.11.2017
19/01494/FUL	Proposed rear extension.	Approved	03.12.2019
19/01511/LBC	Proposed rear extension.	Approved	03.12.2019
19/01847/DISCON	Discharge of condition 02 (materials) and 03 (surface treatments) of planning permission 19/01511/LBC.	Approved	14.01.2020
20/01443/FUL	Proposed erection of a summer house with veranda and landscaping.	Current	
20/01444/LBC	Proposed erection of a summer house with veranda and landscaping.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL9 Listed Buildings

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to Pear Tree Cottage, a Grade II Listed Building located within the settlement development boundary of Thorrington.

The site is situated along Clacton Road, a busy feeder road leading to Colchester to the west and Clacton to the East in a built-up residential area. Sylvan to the west is a modern two storey house and Melita to the east is a modern chalet style property. The area contains a varied mix of dwelling

styles and has the appearance of a suburban street. The nearest Listed Building is the Red Lion Public House approximately 90m to the north-west.

Proposal

This application seeks planning permission for the erection of a summer house with veranda and landscaping. This would be sited approximately 1.5m from the south-east boundary with Melita. The building would have a footprint of 18sqm (6m x 3m) with an additional low-level veranda. The building would have eaves in the region of 2.6m and a ridge in the region of 3.3m

The building will be finished in timber feather edge cladding with a plan tile roof. The windows and doors will be timber. The outbuilding will be similar in appearance to the existing garage and woodwork shed.

Assessment

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and heritage impact.

Design and Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. 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 not be clearly visible from the front of the property and therefore there would be no significant harm to the street scene. The outbuilding is of a low-key scale and will be similar in appearance to the existing garage and woodwork shed, thereby ensuring the character of the host dwelling and wider streetscene is respected.

Impact upon Neighbours

The NPPF, at 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 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 proposed extension is located approximately 1.5m metre away from the neighbouring dwelling to the south east 'Melita' and in close proximity to a detached building they have on their boundary. The scale and siting of the outbuilding is such that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Heritage Assets (Listed Buildings)

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds 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 EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The Councils Historic Environment consultant has been consulted on this application and has stated that they are unopposed in principle to the proposed summer house and veranda, however the proposed crown roof is not supported. In response to this, the ratio of roofscape to wall height is entirely appropriate and changing it to a dual pitched would require an overall increase in height.

It is therefore considered that the proposed works will not cause any harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

Other Considerations

Thorrington Parish Council have not commented on this application.

No letters of representation have been received.

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:- 1, 2, 3, 4, 5, 6 and 7 - received 2nd November 2020.

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?		NO
Are there any third parties to be informed of the decision?		NO