

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	27/05/2021
Planning Development Manager authorisation:	SCE	27.05.2021
Admin checks / despatch completed	DB	27.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.05.2021

**Application:** 21/00637/FUL **Town / Parish:** Weeley Parish Council

**Applicant:** Mr and Mrs Ioannou

**Address:** Forge Cottage Clacton Road Weeley Heath

**Development:** Proposed single storey side extension and replacement garage.

### 1. Town / Parish Council

Weeley Parish Council      Weeley Parish Council has no objection to this application  
05.05.2021

### 2. Consultation Responses

None Applicable

### 3. Planning History

01/01278/FUL	For 2 people to live in static caravan in garden of above address for 6 months to a year.	Withdrawn	14.01.2005
91/00773/FUL	Side extension to form annexe.	Approved	11.12.1991
14/00977/FUL	Erection of single detached dwelling and garage and front wall/fence	Approved	12.09.2014
19/00649/FUL	Proposed single storey side extension and replacement garage.	Approved	04.06.2019
21/00637/FUL	Proposed single storey side extension and replacement garage.	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development  
QL9 Design of New Development  
QL10 Designing New Development to Meet Functional Needs  
QL11 Environmental Impacts and Compatibility of Uses  
COM19 Contaminated Land

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)  
SPL3 Sustainable Design

### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)**

### **Application Site**

The application site comprises of a two storey detached dwelling finished in pink render. The dwelling along with its neighbours is accessed via a shared access. The dwelling itself has an existing rear conservatory and garage to the side with small area for parking. The dwelling is orientated on its plot so that its side elevation faces Clacton Road and is most noticeable from this street scene with fencing and brick pillars sited along this front boundary.

### **Proposal**

This application seeks permission for proposed single storey side extension and replacement garage.

### **Assessment**

As the proposal incorporates two different elements they have been individually assessed below;

#### **Proposed Side Extension**

##### *Design and Appearance*

The proposed side extension will replace the existing conservatory to the rear of the house and due to the dwellings orientation will be a noticeable addition within the streetscene.

The proposals single storey design and set back from the boundary of the site will prevent the proposal from appearing as a prominent or harmful feature within the streetscene and partial screening by way of the existing fencing will reduce its impact further.

The new extension is of a size and design which is appropriate to the main house and will be finished in materials which are consistent with the host dwelling.

The site is of a suitable size to accommodate the proposal and still retain sufficient private amenity space.

As the proposal will not detract from the character and appearance of the dwelling or area it would be suitable in terms of visual amenity.

#### *Impact to Neighbours*

The proposed side extension is of a suitable design and siting away from the neighbouring boundaries and will not result in a loss of residential amenities to the neighbouring sites.

### **Proposed Replacement Garage**

#### *Design and Appearance*

The proposed garage will be sited to the side of the house and will replace the smaller existing garage. Due to the orientation of the existing house much of the garage will be screened from views from Clacton Road, any views which are achieved will be minimal as a result of the proposals set back and will not diminish the appearance and character of the dwelling or area.

The proposed garage will have a height lower to the main house and will be finished in materials consistent with the host dwelling. The pitch of the roof is of a slightly different angle compared to the existing house and whilst requests to change this so it matches with the existing dwellings have been made these have not been pursued. Whilst there will be a difference in angle of the pitches between the elements as the proposal will be largely screened from public view by the main house with minimal impact on the streetscene it is considered the use of such is acceptable in this instance and would not detract from the character and appearance of the existing dwelling or area.

The new garage is of an appropriate size and design to the existing house and its site and due to its lower height compared to the main house will not dominate the existing dwelling.

As the proposal will not detract from the character and appearance of the dwelling or area it would be suitable in terms of visual amenity.

#### *Highway Safety*

The Essex County Council Parking Standards requests that garages should have an internal measurement of 7m by 3m. They also request that where a house comprises of 2 or more bedrooms that 2no parking spaces should be retained at the site which measure 5.5m by 2.9m per space.

The proposed garage exceeds these measurements and there is sufficient space to the front which will also allow for the off street parking for two vehicles in line with the above standards. The proposal will therefore not contravene highway safety.

#### *Impact on Neighbours*

The proposed garage will be sited a suitable distance away from Ivy Cottage and will not infringe upon this neighbours residential amenities.

The proposal will be most noticeable to the neighbours to the north east of the site known as 1 and 2 Fieldview. These dwellings are set back on their plots with ample planting sited along the shared boundary. Whilst the proposal will be visible to these neighbours as a result of their siting it would be ample distance away from these neighbours and predominantly screened by the boundary planting. The proposal would therefore not result in a significant loss of residential amenities to these neighbours.

#### Other Considerations

Weeley Parish Council have no objection to the application.

There have been no letters of representation received.

The site is situated on contaminated land and therefore the Environmental Protection team have been consulted they have stated that the Contaminated Land database indicates that Forge Cottage is sited on a historic piece of contaminated land, formerly a foundries, iron and steel works. The site is already occupied by a residential property, due to the potential contamination arising from groundworks, the Environmental Protection have not objected to the proposal and request a watching brief is conditioned. The agent has also been informed of the contaminated land to inform the necessary developers and occupants that workers safety lies with them as requested by the Environmental Protection team.

The proposal is of a minor addition to the site which is considered not to result in any additional harm in terms of contaminated land.

### Conclusion

In the absence of material harm resulting from the proposed 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: 01F.

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

- 3 If any unforeseen contamination is encountered during the development works this should be reported immediately so that appropriate action can be taken.

Reason - to protect the health of site workers and end users

## **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.

The garage shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Forge Cottage, Clacton Road, Weeley Heath Clacton On Sea, Essex, CO16 9ED