

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	27/05/2021
Planning Development Manager authorisation:	SCE	28.05.2021
Admin checks / despatch completed	ER	09/06/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	09.06.2021

**Application:** 21/00669/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mrs Pullen

**Address:** 11 Manor House Way Brightlingsea Colchester

**Development:** Erection of single storey detached outbuilding to rear

### **1. Town / Parish Council**

Brightlingsea Town  
Council  
13.05.2021

Brightlingsea Town Council have concerns over the size of the building, which makes it unusual for a 'hobby room', and expressed concern whether this would in fact be used as a hobby room. Supplementary to that we would expect a hobby room to be heated, which this one is not. Concern was raised over the entrance size doors being required, and the distance from the property itself. The building is too close to the boundary including the neighbouring boundary and public footpath. We also have concerns over the impact on the existing trees, and would ask that TDC's Tree Officer is involved with this and TPO's are looked into.

### **2. Consultation Responses**

Not applicable

### **3. Planning History**

89/01682/FUL	Proposed extn to garage and internal alterations	Approved	07.11.1989
15/01186/FUL	Proposed single storey side extension to form living room, kitchen, bedroom and en-suite.	Approved	28.09.2015
21/00669/FUL	Erection of single storey detached outbuilding to rear	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Adopted Tendring District Local Plan 2007 (part superseded)  
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) (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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 two storey detached dwelling which is set back from the highway. Sited to the front is an existing driveway and to the rear is a garden area with a selection of outbuildings and boundary fencing.

### **Proposal**

This application seeks permission for the erection of single storey detached outbuilding to rear.

### **Assessment**

#### **Design and appearance**

The proposal will be sited to the rear however due to the open spaces between plots will be visible from Manor House Way. Whilst there will be some elements of the proposal which are visible due to the set back of the proposal from the front of the site and screening by way of the host dwelling these views are likely to be minimal and will not infringe upon the existing appearance or character of the streetscene.

The proposal is of size and scale appropriate to the dwelling and site and will be finished in materials which cream render and black hardiplank. Whilst these materials are not consistent with the existing house as the proposal will be to the rear with minimal impact on the streetscene the use of such is considered acceptable in this case.

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

### Impact on Neighbours

The proposal will be sited a suitable distance away from 9 Manor House Way and would not result in a loss of residential amenities to this neighbour.

The proposal will be noticeable to 13 Manor House Way as it will be sited along the boundary. This neighbour is sited off of the boundary by 2.3m and already has views of the existing outbuilding. The proposal will be greater in depth compared to the existing outbuilding and will have a height of 3m with a flat roof design. As these neighbours windows are already restricted in terms of light and outlook due to the existing outbuilding and boundary fencing it is considered that it would be unreasonable grounds to refuse planning permission on this basis.

### Other Considerations

Brightlingsea Town Council have concerns over the size of the building, which makes it unusual for a 'hobby room', and expressed concern whether this would in fact be used as a hobby room. Supplementary to that we would expect a hobby room to be heated, which this one is not. Concern was raised over the entrance size doors being required, and the distance from the property itself. The building is too close to the boundary including the neighbouring boundary and public footpath. We also have concerns over the impact on the existing trees, and would ask that TDC's Tree Officer is involved with this and TPO's are looked into.

Two objection letters have been received and the comments of which can be addressed and summarised below;

- Impact to open character of existing estate.
- Loss of residential amenities to neighbours.
- Harmful impact to existing trees at the site.
- Plans incorrect.

The impact to the visual amenity of the area and residential amenities of neighbouring sites has been fully assessed in the above report.

The plans state that the use of the proposed building will be as a "Hobby Room." As the site is not suitable to sustain another dwelling and in order to safeguard residential amenities of the neighbouring sites a condition will be imposed upon the permission to retain the outbuilding as ancillary to the main dwelling and stating that planning permission would be required for an alternative use. The plans do not say if heating will be placed within the room however this may mean that Building Regulations may be required and separate permission could be required from them.

The letter stated that the location of the proposal was incorrect however confirmation has been obtained from the agent stating the plans show the correct siting of the proposal.

The Councils Tree and Landscape Officer has been consulted as part of the application and has stated that the position of the proposed outbuilding is close to a large Horse Chestnut tree that it situated within the curtilage of the host property.

The tree has been recently 'pollarded' to a height of approximately 6m and is re-growing weakly from pruning points. There are fruiting bodies of a decay organism fungus growing from the pruning wounds.

The tree is a prominent feature in its setting and can be clearly seen from the Public Right of Way that runs along the rear boundary of the property. Nevertheless the condition of the tree is such that it is not viable in the long term and consequently it is not a significant constraint on the development potential of the land.

No other trees or significant vegetation will be affected by the development proposal.

There is little public benefit to be gained by new soft landscaping associated with the development proposal.

### 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: 11/MWB/21/1

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

- 3 The outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Manor House Way, Brightlingsea, Colchester, Essex, CO7 0QN

Reason - The site is unsuitable for an independent residential unit because of the location of the building and the nature of the site.

## **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.