

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	8 <sup>th</sup> June 2021
Planning Development Manager authorisation:	SCE	11.06.2021
Admin checks / despatch completed	DB	11.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	11/06/2021

**Application:** 21/00564/FUL **Town / Parish:** Bradfield Parish Council

**Applicant:** Mr and Mrs Stevens

**Address:** Threadgolds Heath Road Bradfield

**Development:** Proposed construction of cart lodge style car port.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

No comments received

### 3. Planning History

95/00127/OUT	(Land west of Ram and Hogget Public House, Heath Road, Bradfield) Residential development (two houses)	Refused	20.04.1995
97/00359/LUEX	Use of land as residential garden		09.06.1997
89/00622/FUL	Extns and alterations to provide enlarged dining room and kitchen lobby utility cloaks to ground floor master bedroom and en-suite	Approved	26.05.1989
09/00859/FUL	Erection of 2 no. single storey dwellings; erection of detached double garage to serve dwellings and new vehicular access.	Withdrawn	12.10.2009
09/00920/FUL	Erection of detached double garage, as amended by Drawing Nos. 2286/17/Revision B and 2286/19/Revision B received on 14th October 2009.	Approved	09.11.2009
09/01266/FUL	Erection of detached single storey dwelling, detached single garage and construction of new vehicular access. As amplified by Drawing No. 2286/30 received on 26th January 2010 to show detached	Approved	22.02.2010

	single garage external appearance.		
12/01224/FUL	Erection of detached double garage, as amended by drawing Nos 2286/17 Revision B and 2286/19/Revision B received on 14th October 2009. (Extension of time on previously approved planning permission 09/00920/FUL).	Approved	13.12.2012
13/00111/FUL	Erection of detached single storey dwelling, detached single garage and construction of new vehicular access. As amplified by Drawing No. 2286/30 received on 26th January 2010 to show detached single garage external appearance. (Extension of time on previously approved 09/01266/FUL).	Approved	22.03.2013
20/01802/LUPRO P	Provision of a new storage building within rear garden of house.		05.02.2021
21/00564/FUL	Proposed construction of cart lodge	Current	
	style car port.		

#### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Adopted Tendring District Local Plan 2007 (part superseded)*

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Development and Delivery of New Garden Communities in North Essex

*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. 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**

### **Site Description**

The application site is a mid-twentieth-century detached dwellinghouse which is sited roughly centrally within a wide (25m) and deep (73m) plot. The majority of its external surfaces are finished in a self-coloured render with an interlocking clay-tiled roof. The dwelling is set back from the road, approached by a gravelled drive which leads to ample off-street parking.

An application for a double garage to the west side of the dwelling was approved in 2009 and the approval extended in 2012 as ref 12/01224/FUL. This garage has not been constructed.

### **Description of Proposal**

The application proposes a simple open-fronted car-port of 6m depth and 5.5m width; its eaves would be around 2.3m and would have a 4.3m ridge. The ridge would be approximately 3.1m from the east boundary and would be sited 1.7m from the rear elevation of the main dwelling with its flank wall against the east boundary. Externally it would be constructed with an oak frame with painted weatherboarding and finished with a clay tile roof.

## Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

## Design & 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 SP7 reflects these considerations.

### Side Isolation:-

The District Planning Authority considers that the side spaces created between buildings are of the utmost importance in areas of medium and low density housing. In such areas, development up to a common side boundary normally appears cramped, often creating an unbalanced terraced effect. Indeed, in many locations even the minimum one metre side isolation space between a dwelling and the side boundary of the site, as specified in the policy, would appear unsatisfactory visually. In such instances larger side isolation space will be required.

A further reason for maintaining an appropriate side isolation space is to ensure that the impact of residential development on the amenities of adjoining residents is of an acceptable level, without new structures or buildings appearing too close and over dominant, or resulting in overlooking and serious loss of aspect, or daylight. Moreover, if an adjoining plot is undeveloped, to allow buildings up to the common boundary could prevent the satisfactory development of the adjoining site at a later date and prejudice the amenities of future neighbours.

Policy HG14 requires that proposals for extensions to dwellings over 4 metres in height, will be required to retain appropriate open space between the dwelling and the side boundaries of the plot to ensure that new development is appropriate in its setting, does not create a cramped appearance, to safeguard the amenities and aspect of adjoining residents and, in the case of undeveloped adjacent plots their satisfactory development at a later stage.

Although the cartlodge's flank is sited close to the common boundary, the parts of the structure which exceed 4m are over 3m from the boundary.

The cartlodge would be sited beyond the rear elevation of the host building ensuring no significant impact to the street scene. It would have a semi-rustic appearance and is of a scale which entirely accords with the host dwelling. The proposed cartlodge therefore respects both the character and appearance of the host dwelling and wider streetscene in general.

## Impact to Neighbouring Amenities

The NPPF, at paragraph 127 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 SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The flank wall of the neighbouring property to the right (Thiseldo) is in excess of 8m to the east and a dense, established conifer hedge exists on the common boundary. For these reasons the

development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

### Highway Issues

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The proposal would result in covered parking spaces; and for this reason the development does not reduce the existing level of off-street parking no generate any additional demand for parking spaces.

## **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:- 946/04 A; received 16th April 2021.

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.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO