

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	22/09/2021
Planning Development Manager authorisation:	SCE	22.09.2021
Admin checks / despatch completed	ER	23/09/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.09.2021

**Application:** 21/01142/FUL **Town / Parish:** Great Oakley Parish Council

**Applicant:** Ms Klash Singh

**Address:** 3 Oaklands High Street Great Oakley

**Development:** Proposed Garden shed/Garden room.

### 1. Town / Parish Council

Great Oakley Parish Council      No objections

### 2. Consultation Responses

Essex County Council Heritage  
02.09.2021      I have reviewed the above application. I have no objections to the principle of a shed/garden room, but am unable to support the current roof finish materials.

Were the applicant to propose more sympathetic materials such as natural slate or tiles, to preserve the character and appearance of the Conservation Area. I would be unopposed to the proposals, subject to the conditioning of the windows and doors to be timber. Clarification of the window and door materials as part of this current application would avoid the need for any unnecessary conditions being imposed.

### 3. Planning History

03/00413/FUL      Rear extension      Approved      26.06.2003

21/01142/FUL      Proposed Garden shed/Garden room.      Current

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)  
QL11 Environmental Impacts and Compatibility of Uses (part superseded)  
EN17 Conservation Areas

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

Relevant Section 1 Policies (adopted)

## SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)  
SP3 Spatial Strategy for North Essex  
PPL8 Conservation Areas

### **Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of end terraced cottage which is set back from its front boundary. Sited to the front is an existing driveway and gated access for pedestrians and vehicles. Sited to the rear is an existing garden with outbuilding and vast planting and fencing along shared boundaries.

The site is located within the Conservation Area.

### Proposal

This application seeks retrospective permission for a Garden shed/Garden room. At the time of the site visit the shed had already been erected and occupied.

### Representations received

Great Oakley Parish Council have not objected to the proposal.

One letter of objection has been received and detailed below;

"This proposed Garden shed, is already built, however it is more an extremely large summer house/out building.

The width is over 4 1/2 metres wide, the height is over 3.2 metres.

It is taking up most of the free garden fence space we have and on our boundary, making it feel incredibly confined, blocking out light and towering over the garden.

There had been a tree moved to make way for this.

We object to this out building and require for this to be removed."

### Assessment

#### Design and Appearance

The proposal is sited to the rear and due to screening by way of the host dwelling and boundary fencing/ planting is not publicly visible.

The materials which have been used comprises of boarding to the walls and a felt roof. Whilst these materials differ to the main house the building is sited to the rear of the site with no public views achieved from High Street or Hamford View. The use of such in this case would be acceptable and not detrimental to the overall appearance/ character of the existing house and its locale.

The proposal is of a size and design which is appropriate to the existing site and will be used as a home office and extra sitting out area. In order to ensure that the proposal is not used as a separate dwelling a condition will be placed upon the permission restricting this.

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

#### Heritage Impact

The site is located within the conservation area for Great Oakley and therefore consideration must be had to the impact of the proposal on its appearance and character.

The Great Oakley Conservation Area refers to the site as " Oaklands, a group of one-and-a-half storey cottages with rendered walls, part of which is thatched. The well-stocked gardens with their significant hedge frontages make an effective entrance to the Conservation Area."

The Essex County Council Team have raised concerns over materials which are used in the roof (felt) and (wood) openings of the outbuilding.

The proposal will be to the rear and not publicly visible due to screening by way of planting and fencing and is considered to therefore not result in a significantly harmful impact to the overall appearance and impact of the conservation area.

A heritage impact assessment has been provided in line with the requirements of the NPPF.

#### Impact on Neighbours

The outbuilding is sited sufficient distance away from the neighbouring boundary to the north east and largely screened by the boundary fencing/ planting preventing it from resulting in a loss of residential amenities to this neighbour.

The outbuilding is most noticeable from 3 and 5 Hamford Drive due to its siting close to the boundary. These dwellings are set forward on their plots meaning resulting in their distance from the rear boundaries is a minimum of 10m. The proposal is visible to these neighbours and is largely screened by the existing fence. The height to the eaves is 2m with the overall height of the proposal being 2.8m meaning that it is only 0.3m above the distance allowed under permitted development should the site not have fallen in a Conservation Area.

Whilst a noticeable addition as a result of the distance from their boundaries and predominant screening by way of boundary fencing would significantly reduce the impact to these neighbours and thereby any loss of outlook or light resulting from this development would not be so significant to refuse planning permission upon.

There are no windows sited along the rear elevation facing these neighbours meaning that the new outbuilding would not result in a loss of privacy.

The Council's Tree and Landscape Officer has been notified about the comments relating to the removal of the tree.

### Conclusion

Whilst there will be some impact to the residential amenities of the neighbouring sites this has been assessed above. In this instance it has been considered that the proposal is a suitable outbuilding to the site and any reduction in neighbouring amenities would not be so significant to warrant the grounds of refusal in this case. The application is therefore recommended for approval.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 1 The hereby approved garden room shall only be used ancillary to the residential use of the dwelling known as 3 Oaklands High Street Great Oakley Harwich Essex CO12 5AT

Reason - The application site is unsuitable for an additional independent residential unit.

### **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.