

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	06/10/2021
Planning Development Manager authorisation:	TF	06/10/2021
Admin checks / despatch completed	ER	06/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06.10.2021

Application: 21/01221/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Ms T Carter

Address: Aldous House 75 Tower Street Brightlingsea

Development: Proposed single and two storey rear extension with alterations and detached double garage with studio office above.

1. Town / Parish Council

Brightlingsea Town
Council
10.08.2021

Brightlingsea Town Council agree to the house extension, but oppose to the studio/office/garage, as it is too big. Also it must not be used for residential. Most garages in Lime Street are single storey, this is double storey.

2. Consultation Responses

ECC Highways Dept
08.09.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2009. Lime Street is classified as a Private Road and would not normally comment; however, it does form part of the Public Right of Way network. It is noted that the proposed garage with studio office is for residential use only. The application is similar to a previously approved planning application 15/01545/FUL, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the extension a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the garage access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the extension the vehicular access shall be constructed at right angles to the highway boundary and to the

existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent of 5 low kerbs), shall be retained at that width for 6 metres.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. All double garages should have a minimum internal measurement of 6m x 5.5m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

5. The public's rights and ease of passage over public footpath no.11 (Brightlingsea_161) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

6. Prior to commencement of the extension, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: Steps should be taken to ensure that the applicant provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development

Management Team by email at
development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

4. No permanent part of the garage structure shall overhang the highway.

5: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.11 (Brightlingsea_161) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

3. Planning History

21/01221/FUL	Proposed single and two storey rear extension with alterations and detached double garage with studio office above.	Current
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

TR1A Development Affecting Highways

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)

Relevant Adopted Policies

SP7 Place Shaping Principles

Relevant Emerging Policies

LP4 Housing Layout

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

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 26th 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 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st 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)

Site Description

The application site relates to 75 Tower Street, Brightlingsea, which is a two storey dwelling located within the settlement boundary.

Proposal

This application seeks planning permission for the erection of a two storey side and rear extension.

The main considerations for this application are the;

- Principle of Development
- Design and Appearance
- Impact upon Neighbouring Amenities
- Other Considerations

1. Principle of Development

The application site lies within the Settlement Development Boundary of the Tendring District Local Plan (2007) and within the Settlement Development Boundary of the Emerging Tendring District Local Plan 2013-2033. The principle of development is therefore considered acceptable subject to the considerations listed below.

2. Design and Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place - avoiding the use of ubiquitous standard house types. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

This application comprises of a single storey rear extension with a first floor extension. Both proposals are located to the rear so they are not visible from the street scene of Tower Street. The single storey element will accommodate a kitchen and comprise of a flat roof with roof lights. The first floor extension will comprise of a dual pitched roof and serve two of the bedrooms one with a window and the second with a Juliet balcony. The proposals will be constructed from render, slate and UPVC to match the host dwelling.

The proposed garage will be located to the rear of the garden and visible to Lime Street. The proposal is one and a half storeys in height with a double garage to the ground floor and an office/study to the first floor. There are other examples of similar structures to the rear of dwellings along Tower Street and visible along Lime Street, including the neighbouring property. The building will be constructed from Black featheredged s.w boarding as cladding, Multi-red Norfolk Pan tile or similar roof covering - black s.w fascia and soffits which are all materials that will be acceptable in this location. It is, therefore considered that the proposal will be in keeping with the area and it acceptable in terms of visual amenity.

3. Impact Upon Neighbouring Amenities

The NPPF, at paragraph 130 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The proposed works will be visible to both number 73 to the north and number 77 to the south.

In regards to the neighbouring property to the north, number 73 Tower Street, although the single storey element will be visible due to the distance to the boundary and the single storey nature with a flat roof, it is not considered to cause any impact. In regards to the first floor element, although again visible, the roof form is a dual pitch to reduce any impact of loss of light to the neighbouring amenities and due to the distance it will not cause any impact.

In regards to the neighbouring property to the south, number 77 Tower Street, the single storey element will be visible, however it has a flat roof and is not considered to cause any significant impact upon neighbouring amenities. The first floor element is set in from the boundary to try and reduce the impact upon the neighbour.

The two storey element will be visible however the proposed development complies with Policy HG14 as the proposed extension maintains at least 1 metre to the neighbouring boundary ensuring that it does not create a cramped appearance. The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the roof would not catch any habitable rooms in elevation and it is considered that the 45 degree would not intercept the windows in plan. It is therefore felt that there will be no loss of light to the neighbouring dwelling.

It is considered due to the garage being located to the rear of the host dwellings garden, it will not cause any impact upon neighbouring amenities. Although roof lights are proposed these are high level and are for light purposes only.

4. Highway Safety and Parking Provision

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. The adopted Tendring District Local Plan (2007) Saved Policy TR1a states that development affecting highways should seek to reduce and prevent hazards and inconvenience to traffic. Emerging Policies SPL3 and CP1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 seek to

ensure that access to a development site is practicable; that the highway network will be able to safely accommodate the traffic generated; and that the design and layout of the development provides safe and convenient access.

Essex Highway Authority have been consulted on this application and have stated that the information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2009. Lime Street is classified as a Private Road and would not normally comment; however, it does form part of the Public Right of Way network. It is noted that the proposed garage with studio office is for residential use only. The application is similar to a previously approved planning application 15/01545/FUL. The highway authority therefore have no objection subject to conditions relating to pedestrian visibility splays, vehicular access, no unbound materials, garage measurements, public right of way and storage of building materials. The garage measurements will not be imposed and the storage of building materials will be imposed as an informative only.

The proposed garage will measure 5.5 metres by 5.1 metres, although this is under the Essex Parking standards requirements, the proposal provides parking which is betterment to the existing parking arrangements.

5. Other Considerations

Brightlingsea Parish Council agrees to the house extension, but oppose to the studio/office/garage, as it is too big. Also it must not be used for residential. Most garages in Lime Street are single storey, this is double storey.

No letters of representation have been received.

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 plans:

- Drawing No. 1905/898 - 03
- Drawing No. 1905/898-02 B
- Drawing No. 1905/898-04

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

- 3 Prior to occupation of the extension a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the garage access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

- 4 Prior to occupation of the extension the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent of 5 low kerbs), shall be retained at that width for 6 metres.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 5 No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 6 The public's rights and ease of passage over public footpath no.11 (Brightlingsea_161) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility

- 7 The garage/studio office shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Aldous House 75 Tower Street.

Reason: The occupation of the garage/studio office independent of the main residential unit would need to be assessed on its individual merits with regard to parking and amenity standards and impact on neighbouring amenities.

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.

Highways

Steps should be taken to ensure that the applicant provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO