

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	12.10.2021
Planning Development Manager authorisation:	AN	12/10/21
Admin checks / despatch completed	CC	12.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AN	12/10/21

Application: 21/01422/FULHH **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr and Mrs Chillinor

Address: Wisteria Cottage 9 Station Road Thorpe Le Soken

Development: Proposed replacement garage.

1. Town / Parish Council

Thorpe Le Soken Parish Council No Comments

2. Consultation Responses

Essex County Council Heritage
12.10.2021

Built Heritage Advice pertaining to an application for: Proposed replacement garage.
The development site is located within Thorpe Le Soken Conservation Area.
I am unopposed to this application, notwithstanding the proposed UPVC windows subject to the following recommended conditions:

- o Prior to commencement of above ground works/installation, a schedule of external finish materials, including brick and bond style, roof tiles and ridge tiles, and fascia/barge boards, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- o Prior to installation, a schedule of drawings that show details of all proposed windows, doors, and garage doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- o Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

3. Planning History

TPC/96/60	Reduce Eucalyptus by 40% and Fell dead conifer trees	Current	22.10.1996
01/01173/TCA	Reduce Eucalyptus tree in back	Approved	28.08.2001

	garden by 30%		
01/01280/TCA	Remove 3 Christmas trees and one large Conifer	Approved	28.08.2001
99/00647/TCA	Reduce by 30% Eucalyptus in back garden	Approved	25.05.1999
02/02146/FUL	Proposed single storey rear extension	Approved	27.01.2003
03/00509/TCA	Remove one eucalyptus tree	Approved	16.05.2003
03/00769/TCA	Removal of tree	Approved	16.05.2003
13/00472/TCA	Eucalyptus - fell.	Approved	21.05.2013
17/02029/TCA	False Acacia, Magnolia, Larch - reduce all round by 30%	Approved	19.12.2017
21/01422/FULHH	Proposed replacement garage.	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)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

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 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)

Proposal

This application seeks permission for the erection of a replacement garage.

Application Site

The application site serves a semi-detached brick built two storey dwelling located within the development boundary of Thorpe Le Soken. The front of the site is laid to lawn with a driveway leading to a detached garage located south of the site with shrubbery along the site boundary. The site also falls within the Thorpe Le Soken Conservation Area.

Assessment

Design and Appearance

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 Policy QL11 and emerging Policy SP1 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.

The proposed replacement garage will be located to the south of the site. It will measure 8 metres deep by 3 metres wide with an overall pitched roof height of 3.6 metres. The proposal will be replacing the existing garage of a similar footprint and therefore is considered to be of an appropriate size and scale to the existing dwelling with the application site retaining adequate private amenity space.

The proposed replacement garage will be finished in red facing brickwork with a pitched tiled roof to match the appearance of the existing dwelling. As the proposal is located to the south side of the site it will be visible to the streetscene, however it is set back from the highway and will not appear overly prominent, it will be largely shielded by the existing dwelling at parts of the streetscene. The use of matching materials will also cause the proposal to blend with the existing site, it is therefore not considered to have any significant adverse impact on visual amenities.

Impact on Conservation Area

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a conservation area preserves and enhances the conservation area setting. Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure

that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

As the site is located within the Thorpe Le Soken Conservation Area Essex County Council Place Services have been consulted on the application and have submitted the following comments;

“Built Heritage Advice pertaining to an application for: Proposed replacement garage. The development site is located within Thorpe Le Soken Conservation Area. I am unopposed to this application, notwithstanding the proposed UPVC windows subject to the following recommended conditions:

- o Prior to commencement of above ground works/installation, a schedule of external finish materials, including brick and bond style, roof tiles and ridge tiles, and fascia/barge boards, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- o Prior to installation, a schedule of drawings that show details of all proposed windows, doors, and garage doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- o Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such”

The suggested conditions mentioned above will be included in this report and issue of decision, however with regards to the condition suggested by heritage for a schedule of drawings that show details of the proposed windows, doors and garage doors in section and elevation at scales between 1:20 and 1:1 showing details of glazing type, framing and cills. This condition will be amended slightly to only include information on the garage door as this is located on the front elevation and will be visible to the streetscene and potentially impact on the conservation area whereas the windows and doors are located on the side and rear elevation and will not be visible to the streetscene with no significant impact on visual amenities of the conservation area.

Impact to Neighbouring Amenities

The NPPF, Paragraph 17, 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 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 SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

As the proposal is replacing the existing garage of a similar size and scale it will have no more of an effect on the amenities of the neighbouring dwellings than that which already exists. It is of a single storey nature and therefore poses no significant effect of overlooking or loss of privacy to the neighbouring dwellings. It is also located an adequate distance from the neighbouring dwelling south west of the site with no significant effect on the loss of light to this neighbouring dwelling.

Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site. The proposed replacement garage is also compliant with Essex County Council Highways recommendation for a garage to have internal measurements of at least 7 metres by 3 metres and is therefore acceptable in terms of highway safety.

Other Considerations

Thorpe Le Soken Parish Council have made no comments on the application.

No other letters of representation have been received.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 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; Drawing No. CSR - 01

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

- 3 Prior to commencement of above ground works/installation, a schedule of external finish materials, including brick and bond style, roof tiles and ridge tiles, and fascia/barge boards, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason - In the interest of visual amenity.

- 4 Prior to installation details of the proposed garage door shall have been submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - In the interests of visual amenities in this Conservation Area location.

- 5 Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such

Reason - In the interest of visual amenity

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.

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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