

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	08.10.2021
Planning Development Manager authorisation:	AN	14/10/21
Admin checks / despatch completed	DB	14.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.10.2021

Application: 21/01458/FULHH **Town / Parish:** Weeley Parish Council

Applicant: Mr Taylor

Address: 5 Festival Close Weeley Clacton On Sea

Development: Proposed extension to existing garage providing carport.

1. Town / Parish Council

Mr Kevin Harkin on behalf of Weeley PC
21.09.2021

Weeley Parish Council considered this application at its meeting on 20 September 2021. It could not identify any material considerations on which to object to the application but would like to comment.

The height of the structure and its proximity to its neighbour's house makes it appear overbearing. The proposed material is out of character with the setting.

If this planning application is approved, the Parish Council requests the planning approval includes restrictions on future usage of the structure.

2. Consultation Responses

N/A

3. Planning History

05/00555/FUL	Proposed demolition of residential and industrial units with change of use to form residential development comprising of 9 dwellings	Approved	14.07.2005
05/01839/FUL	Change of use to form residential development comprising 6 dwellings.	Refused	14.12.2005
06/00095/FUL	Change of use to form residential development comprising of six dwellings	Approved	17.03.2006
07/01877/FUL	Erection of chalet bungalow (Variation of dwelling type to that approved under p.p 06/00095/FUL).	Approved	11.02.2008
10/00962/FUL	Proposed rear conservatory addition.	Approved	

10/60276/HOUEN Q	Proposed conservatory addition (previous approval No. 07/01877/FUL).		19.05.2010
12/00499/FUL	Proposed change of use of agricultural land to paddock, including erection of stable block.	Approved	09.07.2012
12/01005/FUL	Proposed manege.	Approved	26.10.2012
13/60096/HOUEN Q	Proposed erection of conservatory		18.04.2013
21/01075/FUL	Retrospective application for pergola car port.	Approved	09.08.2021
21/01458/FULHH	Proposed extension to existing garage providing car port.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries

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

SP7 Place Shaping Principles

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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

Proposed extension to existing garage providing a carport.

Application Site

The site is located to the north of Festival Close, and is located outside the Settlement Development Boundary. The site serves a detached brick built dwelling with a pitched tiled roof to the front, with extensive land to the rear, which includes existing outbuildings. The site features a large driveway and parking 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 (Part superseded) 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 SP1 reflects these considerations.

The carport would extend beyond the existing garage measuring 4.2 metres wide by 6 metres deep with an overall height of 4.8 metres. The structure is situated a significant distance from Festival Close and would be screened by the existing dwellings of Waylands Drive, so will have no impact on the streetscene. The proposal would allow for the sheltered parking of vehicles associated with the host dwelling. The proposed finishing materials would also be consistent with the existing garage. Ample private amenity space would also remain at the site. As the proposal would represent an extension to the existing outbuilding, is situated to the rear of the property and would not be visible from the streetscene, the design and scale of the proposal is therefore deemed acceptable.

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 by Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposal is located along the southern boundary, which is lined by fencing which separates the site from the properties of Waylands Drive. Whilst it is noted that the scale of the structure is large, and would be visible from the rear gardens of neighbouring dwellings, the visual impact is not considered so significant as to justify refusing planning permission on these grounds.

The nearest neighbouring dwellings to the proposal would be 9 Waylands Drive.

Impact on 9 Waylands Drive

Owing to the north facing nature of the rear gardens of Waylands Drive, the impact of the proposal in terms of a reduction in sunlight to these dwellings is deemed limited. Whilst the proposal would have a visual effect on the amenities of these dwellings, it is not considered so significant as to justify refusing planning permission on these grounds. As the proposal would be utilised as a carport ancillary to the existing dwelling, it would not have any impact on the privacy of this property. As a result, it is deemed that the proposal would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of this dwelling.

Highway issues

The proposal neither generates an additional need for parking nor decreases the existing parking provision at the site.

Other Considerations

Weeley Parish Council wish to ensure that the proposal remains utilised as a carport ancillary to the existing dwelling, therefore condition number three (below) has been introduced to ensure any deviation from this will require the prior approval of the local planning authority.

One neighbour representation was received objecting to the overbearing nature of the structure, however on balance it is considered that refusal on these grounds could not be justified.

Two other neighbouring dwellings have expressed their support of the application.

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 plans; Drawing No.

- 1608/P1/01 (Received 16th August 2021)
- 1608/P1/02 (Received 16th August 2021)

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

- 3 The carport shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Festival Close.

Reason – For the avoidance of doubt given the large area of land in the applicant's ownership and the distance from the dwelling 5 Festival Close.

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.