

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	5 th August 2022
Planning Development Manager authorisation:	GN	08/08/22
Admin checks / despatch completed	MR	08.08.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	08.08.2022

Application: 22/00630/FULHH **Town / Parish:** Clacton Non Parished

Applicant: Mr Antony Cannon

Address: 2 Lancaster Gardens East Clacton On Sea Essex

Development: Proposed new prefabricated concrete garage installed on a concrete base to the side of the house in the garden together with a soak away under the lawn.

1. Town / Parish Council

Not applicable

2. Consultation Responses

ECC Highways Dept No comments received

Tree & Landscape Officer No trees or other significant vegetation will be adversely affected by
28.06.2022 the retention of the existing garage.

3. Planning History

02/00224/FUL	Retention of conservatory	Approved	14.03.2002
11/60409/HOUENQ	Pitched roof extension		01.09.2011
12/60231/HOUENQ	Conservatory room on existing balcony		31.05.2012
12/00788/FUL	New upper floor bay window.	Approved	24.09.2012
22/00630/FULHH	Proposed new prefabricated concrete garage installed on a concrete base to the side of the house in the garden together with a soak away under the lawn.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PPL12 The Gardens Area of Special Character, Clacton-On-Sea

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

'The Gardens' area comprises Lancaster Gardens (east and west), Albany Gardens (east and west) and Connaught Gardens (east and west); each of the six roads are focused facing towards a central spine of ornamental garden which divide the east/west sides of each road. The area was laid out in the 1920's and 1930's a number of properties in the Gardens have strong Arts & Crafts characteristics.

The property occupies a prominent position on the corner of Lancaster Gardens East and Marine Parade East to the south. Its front elevation faces south-west towards the ornamental garden and its south-east flank is prominent in the Marine Parade East streetscene. A boundary wall extends in a south-westerly direction, perpendicular to the façade; this has separated off approximately one third of the hardstanding. Although not depicted on the plans, the wall appears to be around 4.8m from the entrance to the garage.

Description of Proposal

The application seeks retrospective permission for a detached garage; building work started in February 2022 and, following a visit from the Local Authority Enforcement Officer, was completed in April 2022.

The garage is sited with its flank parallel to Lancaster Gardens East and its entrance is approximately 1.7m from the southern corner of the dwelling; the garage is sited forward of the principal elevation by around 1m. The garage has a dual pitched roof, with eaves around 1.9m and a ridge in the region of 2.9m – it is 5.5m deep and 4.9m wide. Externally it is accessed by two up-and-over doors, has a pedestrian door in the north-west elevation and a window in the south-

east elevation. It is prefabricated in nature so externally is finished in concrete sections which have a pebbledash finish, the roof is of an interlocking red cement tile.

Principle

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

Design & Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. 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.

The development introduces an incongruous form of development forward of the building line; this is the only development forward of a dwellinghouse anywhere in the Gardens development (circa 150 houses). The uninterrupted building line is one of the key features which contribute to the Arcadian character of the area. For this reason the development fails to respond positively to local character and fails to respect existing street patterns and other locally-important features.

Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. For an area that comprises some stunning examples of Arts & Crafts architecture, the modern 'convenient' option of a bolt-together prefabricated structure introduces a development which, in this high visible location, visually conflicts with the established palette of materials.

Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 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 building is sited in such a manner that it is considered to protect the amenity of existing residents with regard to loss of light, overbearing and overlooking.

Highway Issues

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

Whilst no comments have been received from the Highways Authority; the following points regarding the site context are made:-

- The host building has an integral garage
- Despite the perpendicular wall dividing the hardstanding, the host building benefits from extensive off-street parking

- Essex Parking Standard guide that internal dimensions for a garage should be 7m x 3m; the garage is not deep enough to comply with the Standards and, at 2.2m wide, the doorways are not wide enough.
- Due to the siting of the garage, the existence of the dividing wall and the dividing wall between the two doors, it is not believed that there is sufficient space to manoeuvre a vehicle in to the garage.

The Gardens Area Of Special Character

Section 2 Policy PPL12 (a) and (c) of the 2013-33 Local Plan requires that, within “The Gardens” area of east Clacton, new development shall have particular regard to the special character and appearance of the area. To ensure that this special character is safeguarded, new development shall conform generally to the existing building line, not appear incongruous in the street scene.

The development introduces an incongruous form of development forward of the building line; this is the only development forward of a dwellinghouse anywhere in the Gardens development (circa 150 houses). The uninterrupted building line is one of the key features which contribute to the Arcadian character of the area. For this reason the development fails to have particular regard to the special character and appearance of the area.

Representations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as ‘material planning considerations’. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters. Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

One letter has been received in response to the publicity of the application:-

The garage is not, as the application states, to the side of the property, it is in front of it.	Noted, see site description above
Consequently, it is front of the building line of Lancaster Gardens East.	Noted, see site description above
To my knowledge there are no other garages or structures in front of the building line in any of the roads that make up The Gardens area.	Noted, see Design & Appearance above
This structure is not in keeping with the area.	Noted, see Design & Appearance above
Due its position in front of the building line, our view of the sea is partially obstructed.	Noted; however the sea is around 167m away, views over the top of the garage may well still be possible and, for these reasons, the partial loss of view does not hold significant weight at a material consideration in the determination of this application.

6. Recommendation

Refusal - Full

7. Reason for Refusal

- 1 By reason of its siting forward of the principal elevation and being highly visible within the public realm the location of the garage fails to respond positively to local character and context. Further, by reason of the prefabricated construction of the garage it fails to result in a visually attractive development and is therefore unsympathetic to local character. The development fails to accord with paragraph 130 of the National Planning Policy Framework (2021); Section 1 Policy SP7 and Section 2 Policy SPL3 and PPL12 of the Tendring District

Local Plan 2013-2033 which all require development to seek high standards of urban and architectural design that responds positively to local character and are visually attractive as a result of good architecture.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Commencement of Enforcement Proceedings

The applicant is advised that in reaching its decision to refuse retrospective permission for this development, the Council's Assistant Director of Strategic Planning, Place and Economy may also authorise the commencement of enforcement proceedings under Section 172 of the Town and Country Planning Act 1990. The Council's Head of Legal Services may accordingly be making contact with the owner and/or occupier of the land in due course.

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