

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	13.04.2022
Planning Development Manager authorisation:	AN	14/4/22
Admin checks / despatch completed	DB	14.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	14.04.2022

**Application:** 22/00323/FULHH                      **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr Jonathan Palmer

**Address:** Leveret High Street Thorpe Le Soken

**Development:** Proposed gazebo.

### **1. Town / Parish Council**

Thorpe Le Soken Parish Council      No Comments

### **2. Consultation Responses**

Essex County Council Heritage  
30.03.2022                      The application is for the construction of a proposed gazebo within the garden of Leveret High Street, within the Thorpe Le Soken Conservation Area.

The proposed site is in close proximity to Grade II listed The Old Vicarage to the North and Comarques to the West.

The proposal is considered to preserve or enhance the character or appearance of the Conservation Area, as per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Also, it would not affect the settings of The Old Vicarage and Comarque.

There is no objection to this application.

### **3. Planning History**

TPC/97/89                      Various works to trees                      Current                      23.02.1998

16/00529/FUL                      Erection of 3 no. detached dwellings with associated garaging and ancillary works.                      Approved                      15.08.2016

19/00150/DISCON                      Discharge of Conditions - 4) Hard and soft landscaping, 6) Materials, 7) Screen walls and fences and 15) Construction Method Statement to approved Planning Application                      Approved                      21.03.2019

	16/00529/FUL.		
19/00151/FUL	Variation of condition 2 (approved plans) of planning permission 16/00529/FUL.	Approved	02.08.2019
19/00832/DISCON	Discharge of Conditions - 6) Materials in relation to Planning Application 16/00529/FUL.	Approved	28.06.2019
22/00323/FULHH	Proposed gazebo.	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)

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

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 (including Site Description and Proposal)**

##### Proposal

This application seeks permission for the erection of a gazebo.

This application follows pre-application advice stating that the gazebo will require planning permission. The Gazebo is located within 2 metres of the boundary of the curtilage of the dwellinghouse and exceeds 2.5 metres in height. As such an express grant of planning permission is required.

## Application Site

The site serves a detached two storey dwelling finished in brickwork with a hipped tiled roof. It is located towards the north of 'High Street', within the settlement development boundary of Thorpe-Le-Soken. The site also falls within the Thorpe-Le-Soken Conservation Area as defined by the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022). The site is within close proximity Grade II listed The Old Vicarage to the North and Comarques to the West.

## 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. Policies SP1, SP7 and SPL 3 of the Tendring District Local Plan 2013-2033 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 gazebo will measure 6 metres wide by 3 metres deep with an overall height of 3 metres. It will be of a traditional appearance finished in wooden beams with a hipped roof design.

The gazebo will be located in the rear garden, adjacent to the neighbouring garage. The gazebo will not be visible to the streetscene of the High Street as it is located to the rear and therefore shielded by the existing dwelling. The proposal will also be largely shielded to the streetscene of Vicarage Lane, located to the west of the site, by the existing trees and shrubbery along the boundary line. The gazebo would be sited against the rear elevation of the neighbouring garage and so the gazebo will be entirely contained under the built-parameters of an existing built form.

The proposed gazebo is therefore considered to be of an acceptable size, scale and appearance. The gazebo is thought to be in keeping with the site and surrounding area with no significant adverse effect on visual amenities.

### Impact on Conservation Area and Adjacent Listed Buildings

The site is located within the Thorpe-Le-Soken Conservation Area as defined by the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022). The site is within close proximity Grade II listed The Old Vicarage to the North and Comarques to the West.

Policy PPL8 of the Tendring District Local Plan 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.

Policy PPL9 of the Tendring District Local Plan requires new developments that affect a listed building or its setting will only be granted permission if they protect its special architectural or historic interests, its character, appearance and fabric. Proposals should demonstrate that they are justifiable through an informed assessment of the significance of the heritage asset, and are of a scale and design that respects the significance of the listed building and its setting.

Essex County Council's Heritage department have been consulted on the application and have submitted the following comments;

"The application is for the construction of a proposed gazebo within the garden of Leveret High Street, within the Thorpe Le Soken Conservation Area.

The proposed site is in close proximity to Grade II listed The Old Vicarage to the North and Comarques to the West.

The proposal is considered to preserve or enhance the character or appearance of the Conservation Area, as per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Also, it would not affect the settings of The Old Vicarage and Comarque.

There is no objection to this application.”

The proposed gazebo is considered to be of an acceptable design, scale and appearance in relation to the host dwelling and surrounding area. It is not thought to have any significant harmful effect on the visual amenities of the area and would preserve the Conservation Area. The proposal is also not considered to have any significant harmful effect on the amenities of the Grade II listed building located north and west of the dwelling, furthermore the proposal is largely shielded from the listed buildings by the host dwelling and the existing boundary treatment on the west boundary adjacent to Vicarage Lane.

#### 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 SPL 3 of the Tendring District Local Plan 2013-2033 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposal is of a single storey nature and therefore does not provide the host site with additional views overlooking onto the neighbouring properties. It is therefore considered to have no significant impact on the loss of privacy to the adjacent neighbouring dwellings.

Due to the proposed gazebos location within the site it has no significant effect on the loss of light to the adjacent neighbouring dwellings.

The proposal is considered acceptable in terms of residential and neighbouring amenities.

#### Highway issues

The Proposal neither generates an additional need for parking, nor decreases the existing parking provisions at the site.

#### Other Considerations

Thorpe Le Soken Parish Council have provided no comments on the application

Essex County Council Heritage department do not object to 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 plans;

3D Gazebo Details - scanned 21 February 2022  
3D Gazebo Placement Details - scanned 21 February 2022  
Block Plan - scanned 21 February 2022  
Detailed Gazebo Elevations and Roof Plans - scanned 21 February 2022  
Gazebo Elevations and Roof Plans - Scanned 21 February 2022

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

**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.

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