

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	26 th April 2022
Planning Development Manager authorisation:	SCE	27.04.2022
Admin checks / despatch completed	ER	27/04/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.04.2022

Application: 22/00259/FULHH **Town / Parish:** Harwich Town Council

Applicant: Mr and Mrs Bould

Address: 75 The Vineway Dovercourt Harwich

Development: Proposed annex to rear garden.

1. Town / Parish Council

Ms Lucy Ballard, Town
Clerk Harwich Town
Council
16.03.2022

Harwich Town Council raises concern as to the possible use of the annex, since there appears to be insufficient parking provision to accommodate extra living accommodation. The proposed building is also in very close proximity to the boundary, and this could be considered a potential over development.

2. Consultation Responses

None received

3. Planning History

22/00259/FULHH Proposed annex to rear garden. 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

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 application site forms the garden area associated with the domestic dwelling of 75 The Vineway. The host property is of typical scale and appearance to a late twentieth large-scale housing development. It is the right hand of a pair of semi-detached, finished in yellow buff brick sitting in a slightly elevated position. Being located on the outside of the bend in the road, it has a large, west-facing rear garden.

Outbuildings in the garden are commonplace in the area, with the attached neighbour at No. 77 having one on their south boundary.

Description of Proposal

The application proposes an outbuilding, specifically a residential access to the south-west boundary. The building is L-shaped, being 8m long on the south boundary and 10m to the west boundary; it would have eaves in the region of 2.4m and a dual-pitched roof around 3.4m high. Internally the annex provides primary living accommodation and this is the reason why planning permission is required.

Principle

The site is located within the Development Boundary of Harwich, Dovercourt, Parkeston & Little Oakley, 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.

Form is the three-dimensional shape and modelling of buildings and the spaces they define. Buildings and spaces can take many forms, depending upon their size and shape in plan; height; bulk - their volume; massing - how bulk is shaped into a form and relationship to the plot boundary. Scale is the height, width and length of each building proposed within a development in

relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. The relationships between the different dimensions of a building or component are known as its proportions. 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.

The form of the building is commonplace in a domestic environment, being single-storey in scale. The scale of the building is within the parameters of structures which wouldn't require planning permission. The footprint of the annex is around 64sqm and a significant area of 341sqm of rear garden would still remain. Externally the 2.2m high walls would comprise 1.4m weatherboarding above a 0.8m brickwork plinth and a slate-tiled roof over.

Overall the form, scale and appearance of the annex is considered to respect existing street patterns and is sympathetic to local character.

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 adjacent to the north boundary of the attached neighbour; separation distances are 0.3m at the closest built-relationship, increasing to 0.8m at the further point from the shared southern boundary. In regards to No. 65 Harcourt Avenue, the building would predominantly sited adjacent their driveway and forward of their principal elevation; their property also stands on higher ground. The eaves of the proposed building are around 2.4m – this would be around 0.4m above the existing boundary with No. 77 The Vineway and the plane of the dual pitched roof slopes away from the boundary. The windows contained within in east-facing elevation (i.e. 'back' towards the dwelling) have a maximum height of 2.1m – for this reason they would be almost entirely contained beneath a standard 2m high boundary treatment.

Overall the proposal 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.

The Essex County Council 'Parking Standards Design and Good Practice' planning guidance states that dwellings with two or more bedrooms should have at least two off-street parking spaces. The driveway is 24m long which has the potential to accommodate 5 vehicles in a tandem form. The annex would not generate any more parking than having over-night guests in the main house would.

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.

Two objections has been received; summarised as:-

the property will be built right on my boundary line.	Noted
would cause overshadowing into my back garden and noise pollution.	The building is single-storey and sited to north of the adjoining neighbour, for these reasons any overshadowing would not be materially harmful. The application is for a domestic development; any concerns regarding noise pollution generated by neighbours should be reported to Environmental Protection.
This is not in keeping with the rest of the neighbourhood.	There are numerous outbuildings in the vicinity, with buildings present in neighbouring gardens to the south and west
no indication of additional parking or amenity area	The driveway is 24m long which has the potential to accommodate 5 vehicles in a tandem form. The annex would not generate any more parking than having over-night guests in the main house would.
it does not mention within the plans what level the annex is going to be built, in relation to my property	The building is going to have level-access at the doors, the rest of it will follow the contour of the existing sloping land.
I have privacy concerns about the annex being able to see into my upstairs and kitchen due to slope of garden	The development would generate not greater degree of overlooking than a person standing in the rear garden. Any windows would be contained entirely below the height of the existing boundary treatment.
In application form it stated about no tree being near, but there is a tree approx. 8m in council owned land less then approx. 4m away from where property is going to built	The application form states "on the property or on adjoining properties" the tree is not on a property.
This is an inappropriate back land development under the disguise of an annex	The application is for a domestic outbuilding to be used as an annex.
an extension to the side of the property would be more appropriate.	The application is determined on the basis of the plans submitted.
Noise pollution during works and possible extra noise with additional people living in the garden	Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are not a material consideration in the determine of this planning application.
The annex at the bottom of the garden will also impact on residents in Harcourt Avenue. Have these residents been appropriately informed	A site visit was undertaken with the occupiers of 65 Harcourt Avenue.

Harish Town Council makes the following comments:-

Harwich Town Council raises concern as to the possible use of the annex	An annex can only be occupied for purposes ancillary to the host dwelling.
appears to be insufficient parking provision to accommodate extra living accommodation.	The driveway is 24m long which has the potential to accommodate 5 vehicles in a tandem form. The annex would not generate any more parking than having over-night guests in the main house would.
The proposed building is also in very close proximity to the boundary, and this could be	The siting of a building in the corner of a garden is entirely commonplace as it allows maximum

considered a potential over development	use of the remainder of the garden.
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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 plan:- P01B; received 2nd March 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.

Occupation Limitation:

You are reminded that the annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 75 The Vineway. An express grant of planning permission would be required if the annex were occupied as a separate unit of accommodation.

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