

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	27.04.2022
Planning Development Manager authorisation:	AN	27/04/22
Admin checks / despatch completed	ER	27/04/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.04.2022

Application: 22/00316/FULHH **Town / Parish:** Frating Parish Council

Applicant: Mr and Mrs Taylor

Address: Lanterns Bromley Road Frating

Development: Proposed retention of existing out building and use as annexe ancillary to lanterns. Proposed extension to annexe to form sitting area and retention of existing garden shed.

1. Town / Parish Council

Mrs Jennifer Spear
28.03.2022

We raised the issue of this building with Cheryl Dyer, Planning Enforcement in early 2020 complaining that construction of a separate building was being carried out on the rear garden. Our information was that it was for the then occupant to make living accommodation for their Mother.

We were advised by Cheryl in September 2020 that she was unable to attend the site do to Covid restrictions.

Following the Mother moving to a care home the new build was used as a pre school nursery again this information was forwarded to Planning Enforcement

We were requested if possible to send photos of the new building and the Clerk at the time did so and also advised that if a search was made on google earth you could see the garden prior to construction.

If this application came in front of the Parish Council prior to construction we would have objected on the grounds of over development of the site and that it was a back land development.

In the present application it states the original build took place in 2017 we would dispute this as we believe it was start in 2019/20.

As the applicant is looking to add a sitting room it seems that the statement that it will not be used continually seems odd.

2. Consultation Responses

Not Applicable

3. Planning History

16/00814/FUL	Proposed alterations and additions.	Approved	20.07.2016
22/00316/FULHH	Proposed retention of existing out building and use as annexe ancillary to lanterns. Proposed extension to annexe to form sitting area and retention of existing garden shed.	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

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 retention of existing outbuilding and use as annexe ancillary to Lanterns. The proposed extension to this annexe to form sitting area and retention of existing garden shed.

This application follows preapplication discussions stating that the existing annexe requires an express grant of planning permission due to its height and proximity to the boundary.

Application Site

The site is located towards the east of Bromley Road, within the settlement development boundary of Frating, as defined by the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022). There is a public right of way located to the north of the site. The application site serves a detached 1.5 storey dwelling finished in cladding with a pitched tiled roof. There are two front facing pitched roof dormers. The front of the site has a pebbled driveway with low fencing around the boundary. The surrounding streetscene is comprised from dwellings of differing scales and appearances.

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 existing annexe is located to the rear of the site, towards the northern boundary. It is therefore adjacent to the public right of way and is slightly visible over the fencing located along this boundary. The existing annexe measures 7.2 metres wide by 6.1 metres deep with an overall pitched roof height of 4.3 metres. It is proposed to extend the annexe on its front elevation. This extension will measure 3 metres deep by 3.5 metres wide with a maximum height of 2.9 metres. The existing annexe is finished in a matching cladding to that of the original dwellinghouse with a pitched tiled roof design. The proposed extension to the annexe will be finished in brickwork with a mono-pitched roof. The use of matching materials cause the proposal to blend with the host dwelling and surrounding area. Although the use of brickwork is introducing a new material to the site, brick is a traditional material widely used throughout construction and is deemed appropriate on this occasion. The existing annexe and proposed annexe extension are therefore considered to be of an appropriate design and appearance with no significant harmful effect on visual amenities.

The existing garden shed is located adjacent to the annexe towards the south of the site. The shed is shielded by the host dwelling and existing annexe and is not visible to the streetscene. The shed is finished in a matching cladding with pitched tiled roof to match that of the dwelling and existing annexe. It measures 4.5 metres wide by 4.6 metres deep with an overall height of 3 metres. The shed is considered to be of an appropriate design and appearance with the use of matching materials causing it to blend with the site. The shed does not cause any significant harmful effects on the visual amenities of the area.

The application site can accommodate for the proposed development of this size and scale whilst retaining adequate private amenity space.

An express grant of planning permission is required for both the annexe and garden shed due to the fact they are sited within 2 metres of the boundary. In order for the outbuildings to be constituted as permitted development they would need an overall height that did not exceed 2.5 metres. It is therefore only their height which causes the outbuildings to require an express grant of planning permission, the use of the annexe ancillary to the main dwelling does not itself require planning permission.

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 existing annexe, shed and proposed extension to the annexe are of a single storey nature and therefore pose no significant risk of overlooking or loss of privacy to the adjacent neighbouring dwellings.

Due to the location of the proposed development in relation to the adjacent neighbouring dwellings it will have no significant impact on the loss of light to neighbouring properties.

Highway issues

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

Other Considerations

Frating Parish Council objects to this application and have provided the following comments;

“We raised the issue of this building with Cheryl Dyer, Planning Enforcement in early 2020 complaining that construction of a separate building was being carried out on the rear garden. Our information was that it was for the then occupant to make living accommodation for their Mother.

We were advised by Cheryl in September 2020 that she was unable to attend the site do to Covid restrictions.

Following the Mother moving to a care home the new build was used as a pre school nursery again this information was forwarded to Planning Enforcement

We were requested if possible to send photos of the new building and the Clerk at the time did so and also advised that if a search was made on google earth you could see the garden prior to construction.

If this application came in front of the Parish Council prior to construction we would have objected on the grounds of over development of the site and that it was a back land development.

In the present application it states the original build took place in 2017 we would dispute this as we believe it was start in 2019/20.

As the applicant is looking to add a sitting room it seems that the statement that it will not be used continually seems odd.”

Officer Response;

- With regards to the comments around Tendring Council’s Enforcement team, the case was assessed and closed as no breach was found.
- With regards to the concerns about the development representing back land development. The development has been assessed in terms of its design, size and scale and is considered to be of an appropriate appearance and scale in relation to the site, with the application site able to accommodate for the development whilst retaining adequate private amenity space.
- This is a retrospective application for the existing annexe and shed, the start date of construction is not a material consideration and should not be taken into account when considering the proposal.
- With regards to the comments regarding the use of the annexe a condition has been imposed confirming it can only be used for purposes ancillary to the residential use of the host dwelling.

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. LBR-01 Revision A

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

- 3 The hereby approved annexe shall only be used ancillary to the residential use of the dwelling known as Lanterns, Bromley Road, Frating Colchester, Essex.

Reason - The application site is unsuitable for an additional independent residential unit.

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.

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