

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	25/05/2022
Planning Development Manager authorisation:	SCE	25.05.2022
Admin checks / despatch completed	ER	25/05/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.05.2022

**Application:** 22/00332/FULHH **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr and Mrs Holland

**Address:** Hartismere Church Road Brightlingsea

**Development:** Proposed single storey "3 Barn" timber garage for the purpose of providing an electrical charge point.

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

Brightlingsea Town Council  
01.04.2022 Support

### **2. Consultation Responses**

ECC Highways Dept  
06.04.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A site visit was not undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated September 2021. It is noted from the supporting information that no new or altered means of access is proposed and off-street parking plus a new timber garage will be provided, taking these factors into account:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

2. As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) a minimum 6 metres should be provided behind each parking space/ garage to allow for manoeuvring.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape Officer  
23.03.2022

The front boundary of the application site is planted with established shrubs comprising Laurel (*Prunus rotundifolia*) and Viburnum (*Viburnum tinus*). The existing vegetation serves to screen the existing dwelling and has a pleasant softening impact on the public realm.

Whilst the existing vegetation provides benefits to the appearance of the locality and has some landscape value it does not fall within the scope of legislation under which it can be afforded formal legal protection.

The proposed construction of the garages would appear to necessitate the removal of the existing shrubs.

In terms of the impact of the proposed garages on the local street scene they would be a prominent and incongruous feature in their setting and would not accord with the local settlement pattern.

The harm caused by the removal of the existing vegetation and the construction of the garages could, to a degree, be mitigated if the garages were to be set back from the highway to either: allow the retention of existing vegetation or to create space for new planting. This could be secured by a planning condition.

### 3. Planning History

83/00996/FUL

Extn living area for care assist

Withdrawn

12.09.1983

08/00056/FUL	Change of use from agricultural to paddock (for domestic use only).	Withdrawn	07.03.2008
08/00965/FUL	Continued use of agricultural as paddock (for domestic use only) including retention of buildings used as shelters and storage.	Approved	
08/01384/FUL	Change of use from agricultural to paddock (for keeping alpacas and chickens), including removal of buildings used as shelters and storage.	Approved	26.11.2008
08/60055/HOUEN Q	to demolish existing shed rebuild and add new fencing		01.10.2008
14/00354/FUL	Single storey side and rear extension (following demolition of existing garage and outbuildings).	Approved	14.05.2014
15/00039/FUL	Demolition of existing garage & outbuildings, construction of new extension, provision of bedroom within roof space (variation to previously approved application 14/00354/FUL changing materials to cladding).	Approved	10.03.2015
22/00332/FULHH	Proposed single storey "3 Barn" timber garage for the purpose of providing an electrical charge point.	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  
CP2 Improving the Transport Network

Local Planning Guidance  
Essex County Council Car Parking Standards - Design and Good Practice

#### **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)**

### Application Site

The application site comprises of a two storey detached dwelling located on a fairly wide plot within the settlement boundary of Brightlingsea. The house is set back from the front boundary with parking and vehicular access to the front.

The surrounding dwellings within this vicinity vary in design and size however are all situated back on their sites with relatively large plots. Many of these sites (including this one) have boundary treatments such as planting and walling in situ to the front. Whilst some of these sites benefit from outbuildings these are located to the sides of the dwellings and allowing for a fairly open character to be formed here.

### Proposal

This application seeks planning permission for a single storey "3 Barn" timber garage for the purpose of providing an electrical charge point.

### Assessment

#### Design and Appearance

The National Planning Policy Framework 2021 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 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.

The local area comprises of a mixture of detached dwellings which are set back on their plots with space for parking to the front. Many of these sites have a vehicular access with planting, fencing or walling along their front boundaries. Some of these dwellings currently benefit from garages which are to the side with their frontages unoccupied by structures. The absence of such features create a fairly open character to the streetscene setting a precedent for development within the area.

The proposal will be over 4m in height and large enough in width to accommodate 3 vehicles in size. The block plan provided also shows that the proposal will be less than 1m to the front boundary thereby appearing as a noticeable feature to the site and within the streetscene. The planting sited along the front boundary will assist in screening parts of the proposal however is not sufficient in size to screen a building of this height and mass. As a result and in the absence of other nearby similar development the proposal would appear as a prominent and incongruous feature when viewing the house and to the appearance and character of the streetscene.

The Design and Access Statement refers to previous applications 18/02075/FUL, 12/00934/FUL and 03/01978/FUL which include outbuildings to sites frontages. These are located some distance away from the site in areas with a different character and it is of this LPAs opinion that they cannot be considered in relation to this site.

It was suggested to overcome the concerns and to find a positive solution that the proposed building should be reduce to accommodate the parking of 1no vehicle and set back from the boundary further. The reduction would allow for the height to be decreased and for it to be largely screened by the planting in situ.

Discussions were had between the LPA and applicant as to the reduction of the building to facilitate 2no vehicle bay however this reduction was not considered enough to reduce the prominence of such a feature. The amendment to 1no vehicle bay structure has not been pursued.

#### Highway Safety

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. The internal measurements for garages should be 7m by 3m.

The proposal will not meet the proposed requirements for garages as stated above. However, the site is of a large enough size to accommodate the proposal and still retain sufficient space for the parking of vehicles in line with the above standards. The proposal will therefore not contravene highway safety.

Essex County Council Highways have been consulted and have not objected to the proposal subject to conditions reflecting parking space sizes and ensuring material is not brought onto the highways.

#### Impact on Neighbours

The proposal is of a suitable distance away from neighbouring boundaries which would prevent it from resulting in a significant loss of residential amenities to the nearby dwellings.

#### Other Considerations

Brightlingsea Town Council support the proposal.

There have been no further letters of representation received.

Due to the close proximity of planting the Councils Tree and Landscape Officer has been consulted and has provided the following comments:

"The front boundary of the application site is planted with established shrubs comprising Laurel (*Prunus rotundifolia*) and Viburnum (*Viburnum tinus*). The existing vegetation serves to screen the existing dwelling and has a pleasant softening impact on the public realm. Whilst the existing vegetation provides benefits to the appearance of the locality and has some landscape value it does not fall within the scope of legislation under which it can be afforded formal legal protection. The proposed construction of the garages would appear to necessitate the removal of the existing shrubs. In terms of the impact of the proposed garages on the local street scene they would be a prominent and incongruous feature in their setting and would not accord with the local settlement pattern. The harm caused by the removal of the existing vegetation and the construction of the garages could, to a degree, be mitigated if the garages were to be set back from the highway to either: allow the retention of existing vegetation or to create space for new planting. This could be secured by a planning condition."

#### Conclusion

The proposed development by virtue of its design and siting will result in an incongruous form of development to the main dwelling, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies. The application is therefore recommended for refusal.

## **6. Recommendation**

Refusal - Full

## **7. Reasons for Refusal**

- 1 The National Planning Policy Framework 2021 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 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.

The house is situated in a row of detached dwellings varying in design and materials and which are situated on relatively large plots. Many of these houses have a vehicular access, with open frontages used for parking with a few having front boundary treatment such as walling or planting. These relatively open frontages are absent from outbuildings forward of their host dwellings allowing for an open character to be formed within this part of Church Road and for a precedent to be set for future development.

The proposed building would exceed 4m in height and will comprise of three bays within close proximity to the front boundary. The block plan provided shows some planting along the boundary, which would screen elements of the proposal however this is not considered to be significant enough to prevent the proposed garage from appearing as a prominently harmful feature within the streetscene. As a result of its prominence it is therefore considered that the introduction of such a building would detract from the character and appearance of the existing dwelling and its locality.

The proposed new outbuilding is therefore considered to be contrary to the above mentioned policies as it does not reflect the character of the locality and causes significant harm to the appearance of the streetscene within Church Road. The proposal is deemed to have a significant adverse effect on visual amenity and the character of the surrounding area contrary to the above policies and NPPF.

## **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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.