

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	10/11/2022
Planning Development Manager authorisation:	ML	14/11/2022
Admin checks / despatch completed	CC	15.11.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15.11.2022

Application: 22/01439/FULHH **Town / Parish:** Weeley Parish Council

Applicant: Mr and Ms Terry and Crowson

Address: 76 The Street Weeley Clacton On Sea

Development: Proposed erection of detached building to form guest annex.

1. Town / Parish Council

Weeley PC
05.10.2022

Weeley PC considered this application at its meeting on 28 September 2022 and resolved to object to it on the grounds that there is no vehicular access from The Street for construction works or ongoing use.

Access for construction and for that matter ongoing use would need to be gained from the B1441 Weeley Bypass generating an unnecessary road safety hazard. TDC Planners have objected to all other planning applications that would require access to and from the B1441 Weeley Bypass and the Parish Council does not wish to see this provide a precedent for further application(s) along the Bypass.

2. Consultation Responses

Not applicable

3. Planning History

05/01039/FUL	Rear lounge extension	Approved	29.07.2005
10/00416/FUL	Two storey side extension.	Approved	08.06.2010
22/01439/FULHH	Proposed erection of detached building to form guest annex.	Current	

4. Relevant Policies / Government Guidance

National:
National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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

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)

Site Context

The application site comprises of a two storey detached dwelling located within the development boundary of Weeley. The house is finished in render and is set back from the front boundary to allow for off street parking and vehicular access.

Sited to the rear is an existing garden area with fencing and planting in situ along the shared boundaries. The neighbouring garden no.78 The Street is an irregular shape which extends and wraps around the rear of this site.

Proposal

This application seeks planning permission for the proposed erection of detached building to form guest annex.

The building will measure 10m by 3.5m and be 3.3m in height and will be finished in light grey hardi plank boarding with a flat roof membrane.

The proposed building will be sited to the rear of the garden where it is evident a shed used to be situated due to the presence of existing cement base.

The new building will accommodate a lounge, bedroom and WC along with garden store and be used ancillary to the main house.

Appearance

The proposal will be sited to the rear of the house and largely screened from views within The Street, however should elements of the proposal be visible through the open spaces between houses these views will be minimal and are considered not to detract from the character of the existing house or streetscene.

The application dwelling and the site can also be visible from Weeley Bypass, however they do not share a boundary as the garden of the neighbouring site of 78 The Street wraps around the rear boundary of this application site.

Whilst elements of the proposal will be visible from Weeley Bypass much of the new building will be screened by the plentiful planting sited along this element of the streetscene reducing any views and preventing it from having a harmful impact to the character and appearance of the locale.

The proposal is of a suitable size and scale in relation to the existing house and will be finished in grey boarding. Whilst this will differ from the existing render of the host dwelling, as the proposal will be sited to the rear with very minimal views achieved from Weeley Bypass and The Street, the use of such a material would not have a harmful impact to the overall appearance/ character of the area. Furthermore, the area comprises of a mixture of materials which vary in type and colour.

The site is of a large enough size to accommodate the proposal and still retain a usable area of private amenity space to the rear.

Impact on Residential Amenity

The site has two neighbouring properties varying in terms of design and size. They both have views onto the site's rear garden.

These neighbours are set forward on their plots allowing for long narrow gardens to the rear, however the proposal will be sited in the rearward part of the garden away from these neighbouring houses.

The proposal will be visible to these neighbouring properties, however it will be positioned at least 1.1m from each of the shared boundaries and partially screened by existing planting and fencing already in situ.

As a result of its positioning, small scale nature along with screening by way of boundary treatment it is considered the proposed new building would not result in a significantly harmful impact in terms of residential amenities of the neighbouring properties.

Conclusion

The proposal is therefore considered to conform to the national and local policies listed above and in the absence of material harm resulting from the proposed development this application is recommended for approval.

This application was originally called into Planning Committee by Cllr Harris over concerns that construction vehicles and personnel would obtain access to the site from Weeley Bypass and result in a harmful impact to highway safety. The rear garden of the neighbouring property wraps around the rear of the host site and therefore this access would unlikely be achievable in any case.

In order to prevent this and to further safeguard neighbouring amenity and highway safety a condition will be imposed which has satisfied Cllr Harris's concerns who has since withdrawn the application from Planning Committee allowing it to be determined under delegated powers.

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: 76/TSW/1, received 23rd August 2022.

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

- 3 All construction and associated works, vehicles and personnel required for this development to be erected and thereafter be used/maintained/serviced or replaced shall not access the site at any time from Weeley Bypass.

Reason - To safeguard neighbouring amenity, safeguard highway safety and for the avoidance of any doubt.

Note - This condition imposes a restriction to prevent any potential vehicular and pedestrian access in association with this approved development. Furthermore, planning permission is required for any vehicular access to the Weeley Bypass for both the existing use and proposed development by reason of being a Classified Road. Further to the planning requirement, consent from Essex Country Council would also be required for any access for any reason as they are the responsible Highway Authority.

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.