

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|----------|------------|
| Case Officer recommendation: | JR | 31.01.2022 |
| Planning Manager / Team Leader authorisation: | JJ | 01/02/2023 |
| Planning Technician final checks and despatch: | ER | 01/02/23 |

Application: 22/02051/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Gilders

Address: Land to rear of Three Elms Harts Lane Ardleigh

Development: Proposed erection of garage on land of approved dwelling.

1. Town / Parish Council

Clerk to Ardleigh Parish Council
13.01.2023

As previous comments relating to this site will demonstrate, our Parish Council feels that this site is already over-developed and is unsuitable for further development.

Where permission is given, this should generally be complied with, rather than seeking additional buildings or extensions to buildings. Had the proposal for a garage been included in the original application would this have been approved? If not, then it should be refused now.

If permission is granted, a restriction should be placed on this building so that it cannot be used as living space/annex accommodation/ separate dwelling in the future.

Officer comment: the concerns raised by the PC are addressed in the Assessment section of the report below, or through appropriately worded conditions (without prejudice and in the event that planning permission is granted)

2. Consultation Responses

None

3. Planning History

| | | | |
|-----------------|--|---------------|------------|
| 22/00517/COUNOT | Proposed conversion of part of former agricultural building into one dwelling | Determination | 20.05.2022 |
| 22/01041/FUL | Proposed erection of a 3-bedroom bungalow (in lieu of Prior Approval for one 3-bedroom dwelling, subject of application 22/00517/COUNOT). | Approved | 26.10.2022 |
| 22/01939/DISCON | Discharge of Conditions 6 (Drainage and Foul Water), 7 (Hard and Soft Landscaping), 11 (Electric Car Charging Point) and 12 (Trees) of application 22/01041/FUL. | Approved | 13.01.2023 |

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)

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL3 Sustainable Design
CP1 Sustainable Transport and Accessibility
PPL3 The Rural Landscape

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

Site Description

The application site is located on the northern side of Harts Lane, to the rear of Harts Lodge and accessed by a driveway which runs between Harts Lodge and Three Elms and comprises of a vacant barn previously used in conjunction with the poultry rearing business which operated on the site. Permission for a new dwelling on the site was granted on 26.10.2023 under planning application 22/01041/FUL and the dwelling is under construction.

To the rear of the site, two dwellings approved under 22/00365/FUL are also under construction and to the east are two newly built bungalows. Around the wider site are several existing buildings, a grassy area and a large area of hardstanding, which was formerly used when the wider site operated as a poultry farm.

The area is semi-rural in character and lies outside any defined settlement development boundary and is located within Flood Zone 1 which has a low risk of flooding.

Proposal

This application seeks planning permission for a detached garage associated with the new dwelling which is under construction. The garage building requires planning permission as it does not conform with the permitted development criteria for an outbuilding, in that the eaves height is more than 2.5m (2.7m in this case) and the building is within 2m of the boundary of the site. The garage building measures 3.4m x 7.315m, with a maximum height of 3.65m. Externally the garage

is finished in brick, with uPVC windows and tiled roof, with a garage door to the front and a pedestrian door and window to the northern elevation.

Principle of Development

The application site is located outside of a defined settlement development boundary, however the proposal relates to an extension/addition to a residential dwelling and therefore the principle of development is considered to be acceptable subject to the detailed policy considerations discussed below.

Design and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

Each application should be judged on its individual planning merits. The proposed garage is considered to be of an appropriate size and scale in relation to the host dwelling and its locality and is reflective of the size, scale and design of the garages of the other four neighbouring dwellings. The proposed garage is situated to the southern side of the bungalow with adequate separation distance from the dwelling and the southern boundary as to not impact on the openness and rural setting of the dwelling. The garage is of a brick-built design and is considered to appear subservient to the main dwelling within the streetscene.

The proposal is therefore considered to be of an appropriate design and appearance with no significant adverse effect on the visual amenities of the area.

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. Policy SPL 3 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.

Given the location of the garage to the southern side of the dwelling, away from the neighbouring properties, it is not considered that the development would result in a materially harmful impact on the outlook or loss of light to the occupiers of the neighbouring properties. The side window and door are on the northern elevation, facing the host dwelling and therefore no overlooking or loss of privacy concerns are raised.

Given its single storey nature and separation distance from the neighbouring dwellings, it is not considered to result in a detrimental impact on the residential amenities of the occupiers of the neighbouring dwellings, in regards to overshadowing or result in a undue sense of enclosure.

Highway issues

The proposal garage is of a size which meets the Essex County Council Parking Standards for a garage, having internal measurements of at least 7m x 3m and can therefore be counted as a parking space. The previously approved dwelling had two parking spaces to the front of the dwelling. This is now replaced by one parking space and the proposed garage and therefore remains policy compliant with regards to the provision of two parking spaces for the dwelling. It is therefore considered reasonable to add a condition to any grant of planning permission to retain the garage for parking purposes only, to ensure policy compliant parking is provided at the new dwelling.

There are no alterations proposed to the accessway from the highway into the site. The proposal is therefore considered acceptable in terms of highway safety.

Third Party Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

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 – FULHH

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 drawings/documents, and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

1380/101 – Proposed floor plans and elevations

1380/102 – Location plan and site layout plan

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

3. The development hereby approved shall not be used for any purpose other than the parking of vehicles that are related to the residential use of the main dwelling.

Reason - To ensure that sufficient on street parking is provided and retained for the dwelling, in the interests of highway safety.

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.

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

