

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	ER	27/01/23
Planning Manager / Team Leader authorisation:	SCE	30.01.2023
Planning Technician final checks and despatch:	ER	02/02/2023

**Application:** 22/01993/FULHH **Town / Parish:** Weeley Parish Council

**Applicant:** Mr Kristian Butcher

**Address:** Soller Spinney Gutteridge Hall Lane Weeley

**Development:** Proposed new front garden wall 1.8m high with automatic sliding gate.

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

Weeley PC  
20.12.2022

Weeley Parish Council considered this application at its meeting on 19 December 2022 and resolved to object to it.

Council members feel that the design is not in keeping with its rural location and is quite 'industrial' in its appearance.

It should be possible to redesign this more sympathetically or lessen the impact with the use of soft landscaping.

### **2. Consultation Responses**

ECC Highways Dept  
05.01.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that the proposals do not alter the current vehicle access and the garage is set back from the existing boundary feature and the grass frontage is in excess of 2.5 metres in width, while the proposed gate will be an automatic sliding gate, considering these factors:

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 the reception and storage of building materials shall be identified 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.

The above condition is 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: Prior to the commencement of the works the applicant shall obtain a Highway Boundary Plan from ECC Highway Records to establish the line of the highway boundary to the front of the dwelling to establish the extent of the publicly maintainable highway and to avoid any part of the garden wall encroaching onto the public highway. Email address Highway.Status@essexhighways.org

2: 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

3: On the completion of the works, 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  
20.01.2023

No trees or other significant vegetation will be adversely affected by the development proposal.

### 3. Planning History

20/01423/FUL	Single storey side and rear extension and the raising of the roof to facilitate a loft conversion.	Approved	22.12.2020
21/00092/FUL	Proposed new garage in front garden behind hedging.	Approved	02.03.2021
22/01993/FULHH	Proposed new front garden wall 1.8m high with automatic sliding gate.	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

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 detached bungalow significantly set back on its plot with garage to the front.

### Proposal

This application seeks planning permission for a new front garden wall 1.8m high with automatic sliding gate.

The plans have since been amended following concerns that the new wall would appear prominently and out of keeping. The new plans show that planting will now be established in front of the proposed wall to soften the impact of the development within the streetscene.

### Assessment

#### Design and Appearance

The proposal will be a noticeable feature within the streetscene as it will be close to the front boundary of the site.

The new wall will be set back from the front boundary of the site and will allow for new planting in front of it. This set back and planting will allow for the bulk of the proposal to be screened so that views of the proposed wall are less prominent and intrusive within the streetscene.

It is also noted surrounding properties within the immediate area also currently benefit from existing fencing along their front boundaries and therefore already set a precedent for this type of development.

The proposal will be constructed from brick similar to that used on existing structures at the site and an aluminium gate. The use of brick will allow it to be in keeping with the host dwelling and garage and other sites within the vicinity.

The proposed wall and gate is considered a suitable alteration which would not significantly result in an incongruous or detrimental impact to the appearance house or locale.

#### Highway Safety

The proposal will be constructed in close proximity to the highway.

The ECC Highways Team have been consulted on the scheme and have confirmed that the proposals do not alter the current vehicle access and as the garage is set back from the existing boundary feature and the grass frontage is in excess of 2.5 metres in width, while the proposed gate will be an automatic sliding gate, considering these factors from a highway and transportation perspective the impact of the proposal is acceptable.

The proposal will still retain the existing parking at the site, being two off street spaces measuring 5.5m by 2.9m per space in line with the Essex Parking Standards.

The proposal will therefore not contravene highway safety.

#### Impact to Neighbours

The proposal is of a small scale nature which will be sited away from neighbouring dwellings and would therefore not result in a loss of amenities the occupants of these nearby dwellings.

#### Other Considerations

Weeley Parish Council considered this application at its meeting on 19 December 2022 and resolved to object to it.

Council members feel that the design is not in keeping with its rural location and is quite 'industrial' in its appearance.

It should be possible to redesign this more sympathetically or lessen the impact with the use of soft landscaping.

Amended plans have since been received in line with Weeley Parish Council recommendations.

The amended plans now show planting along the front boundary which will reduce the prominence of the new wall and gate and allow it to be better in keeping with the area. Weeley Parish Council have been reconsulted on these plans and have provided no further comments.

There have been no letters of representation received.

#### Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

### **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 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:

KB-PP-14 - Landscaping Plan

KB-PP-13 - Proposed Block Plan, Site Layout and Proposed Elevations

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

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified 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.

The above condition is 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.

## **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.

### Highways Informative

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3: On the completion of the works, 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.