

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	09.03.2023
Planning Manager / Team Leader authorisation:	JJ	10/03/2023
Planning Technician final checks and despatch:	ER	10/03/2023

Application: 22/02134/FULHH **Town / Parish:** Great Bentley Parish Council

Applicant: Mr and Mrs Brooks

Address: 5 Weeley Road Aingers Green Colchester

Development: Proposed erection of new workshop to rear of garden and solar panels.

1. Town / Parish Council

Mrs Jennifer Spear Proposed workshop would appear to be excessive set in a long, narrow rear back garden. The barn like proportions do not meet Policy SPL3 - Proposal does not fit with the surroundings.

2. Consultation Responses to

None

3. Planning History

None

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

Supplementary 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 southern side of Weeley Road, Aingers Green and comprises of a semi-detached two storey dwelling set within a spacious plot with a deep rear garden.

Proposal

The application seeks planning permission for the construction of a detached outbuilding within the rear garden of the dwelling to be used as storage and a workshop.

The outbuilding measures 7.2m wide, 18m deep with an eaves height of some 2.5m and a pitched roof with a maximum height of 4m. The external materials are proposed to be black timber cladding, grey roof panels and a metal roller shutter door to the front and a metal pedestrian security door to the front elevation and the towards the rear of the eastern flank elevation. The outbuilding would also have a W.C.

Amended plans have been received during the course of the application as concerns were raised by the officer in regards to the size, scale and height of the proposed workshop. The workshop has been reduced in width by 2m and reduced by 0.4m in height and is now 2m away for the side shared boundaries with the neighbouring dwellings. The external materials have also been altered to timber cladding to provide a more domestic appearance in this residential rear garden location.

The application is therefore assessed on the basis of the amended plans.

Principle of Development

The application site is outside any defined settlement development boundary within the adopted Local Plan, 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.

The proposed outbuilding is considered to be of an appropriate size and scale in relation to the host dwelling and its locality, given the depth of the rear gardens in this location. There are other outbuildings, garages and workshops seen within the neighbouring rear garden scene. Whilst the outbuilding is a large addition to the rear garden, the decrease in height and increase in separation distances from the shared boundaries with the neighbouring properties, the outbuilding is considered to be within the parameters of what could be built under permitted development. The uses have been outlined by the applicant, all of which are considered to be ancillary to the use of the dwelling and therefore the size of the outbuilding is considered to be justified.

The external materials are considered to be acceptable and the outbuilding is considered to be of a domestic appearance, as opposed to a commercial appearance using metal sheeting etc and is therefore in keeping with the residential garden location. The outbuilding would not be visible 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 outbuilding, towards the rear of the private amenity area of the dwelling and some 2m from each shared boundary with the neighbouring dwellings which also have similar depth gardens, it is not considered that the proposed development would result in a materially harmful impact on the outlook, loss of privacy or loss of light to the occupiers of the neighbouring properties or result in overbearing impacts. There are no side windows proposed therefore no overlooking concerns are raised.

Highway issues

The proposal outbuilding has no impact on the provision of parking at the dwelling which remains unaltered, and which meets the Essex County Council Parking Standards, providing in excess of the required 2 spaces.

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

One representation has 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.

Summary of issues raised.

- Concerns raised over noise impacts close to residential gardens.
- Use is of a commercial nature and could have a detrimental effect on the value of my property.
- Building could be built nearer the main dwelling.

All material considerations are dealt with in the main body of the report. The outbuilding is not for a commercial use. The impact of development on adjacent property values is not a material planning consideration.

Conclusion

Following the revisions reducing the scale and height of the outbuilding, 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

1. The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No: P02 - Site Location Plan

Drawing No: P01 Rev B - Block Plan, Proposed Elevations and Floor Plans

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non-Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. This permission shall only authorise the use of the outbuilding hereby approved for purposes incidental and ancillary to the principal dwelling known as 5 Weeley Road (or as may be renamed in the future) and does not permit the use of the outbuilding as accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

Reason: The proposed outbuilding would not be acceptable under the established policies of the adopted Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one

household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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