

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	18/05/2023
Planning Manager / Team Leader authorisation:	SCE	25.05.2023
Planning Technician final checks and despatch:	ER	25/05/2023

**Application:** 23/00502/FULHH **Town / Parish:** Bradfield Parish Council

**Applicant:** Mr and Mrs D Keech

**Address:** Evenlode Straight Road Bradfield

**Development:** Proposed alterations of existing site frontage and erection of new single storey garage.

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

Bradfield Parish Council

Bradfield Parish Council have no comments on this planning application.

### **2. Consultation Responses**

ECC Highways Dept  
05.05.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that this application is almost identical to previous planning applications 18/01478/FUL and 19/00380/FUL that the Highway Authority did not object to. As before the current vehicular access will be moved and the existing access closed off moving it away from the adjacent Public Footpath access located immediately south of the boundary to the property. The proposal retains adequate room and provision for off-street parking and turning, for the existing dwelling, 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. There should be no obstruction above ground level within a 2-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the new access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway and to protect the visibility for drivers being able to see walkers emerging onto Straight Road from the Public Right of Way in the interests of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. The new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (equivalent to 4 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/ kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM1.

5. Any gates retained at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/cycleway or where no provision is present, the carriageway.

Reason: In the interest of highway safety in accordance with policy DM1.

6. The proposed replacement boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and 0.5 metres back from the edge of public footpath 7 and retained free of obstruction above 1 metre at all times.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway/ public footpath or interfere with the passage of users of the highway and to protect the visibility for drivers being able to see walkers emerging onto Straight Road from the Public Right of Way, to preserve the integrity of the highway and in the interests of highway safety and 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: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.7 (Bradfield\_160) shall be maintained free and

unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. In addition, the existing brick pillar adjacent to the public footpath boundary should be retained to protect the width of the PROW when the new boundary hedge is planted.

3: Prior to commencement of the building works, the 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.

4: Highway boundary information can be obtained from Highway Records, Email address Highway.Status@essexhighways.org

5: 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.

### **3. Planning History**

07/00412/FUL	Two storey side and rear extensions	Approved	08.05.2007
18/01478/FUL	Proposed detached garage.	Refused	23.11.2018
19/00380/FUL	Proposed detached garage.	Refused	29.04.2019
	Dismissed at Appeal 19/00055/FHOUSE		
20/00964/FUL	Insertion of window into flank wall and erection of single storey rear extension.	Approved	11.09.2020
23/00502/FULHH	Proposed alterations of existing site frontage and erection of new single storey garage.	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)  
PPL3 The Rural Landscape  
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)**

### Application Site

The application site comprises of a west facing detached dwelling with an integral garage set back on its plot. The site has a driveway to the front with planting and fencing sited along its front and side boundaries.

### History

The Local Planning Authority has considered two applications for similar proposals under 18/01478/FUL and 19/00380/FUL which have both been refused due to its significant size and scale and the impact on the appearance/ character of the streetscene and countryside location. A later planning appeal was received against planning reference 19/00380/FUL with Planning Appeal Reference APP/P1560/D/19/3233295 which was dismissed. This appeal was dismissed as the proposed outbuilding would be sited forward of the host dwelling and in the absence of nearby similar development would stand out as an incongruous addition to the site resulting in a harmful impact to the appearance/ character of the area.

### Proposal

This application seeks planning permission for alterations of existing site frontage and erection of new single storey garage.

### Assesment

#### Design and Appearance

The application site is located outside the development boundary with the local area comprising of predominantly two storey and single storey detached dwellings with open frontages. Some of these dwellings have associated garages or carport structures to the side of their dwellings.

The adjacent dwellings do comprise of outbuildings however these are to the side or to the rear of their host dwellings. The dwelling to the north known as "Highlands" has an outbuilding forward of the house however this site is located some distance away and was approved planning permission as a "Replacement Garage and cart lodge." This site is located away from the application sites immediate vicinity.

As a result of its close proximity to the front of the site and as there are no other outbuildings within the immediate vicinity sited to the front the proposal would appear as an incongruous and prominent feature within the streetscene resulting in a harmful impact to the character of the area and is likely to set a precedent for future development within the area.

The previous appeal decision stated that the impact of the proposal could be reduced by the planting of a hedge however this would need to be relied upon to grow and significantly screen the development. The plans provided shows new planting to be placed in front of the new building to be 1.8m in height. As the proposal would still exceed 3m above the planting and would allow for views through the gap forming the sites entrance this planting would not be effective in reducing its impact and therefore the proposed garage would still appear as a prominent feature harmful to the character and appearance of the surrounding area.

The height of the proposal will be over 3m and is the size of a single garage which will be orientated so the gable end faces to the side. Whilst the footprint of the proposal has been heavily reduced since the appeal decision as the host dwelling comprises of a chalet bungalow type

dwelling it is still considered that an outbuilding of this height would still not relate well to this existing house.

The supporting information states that the proposal will be constructed from powder coated metal which would not match other buildings within the area and is a material not typical with this rural setting exacerbating its impact.

The new access will be closed and reinstated further along the site however as the road is a unclassified road this element will not require planning permission and is not considered under this scheme.

Along the front boundary of the site is an existing hedge which contributes to the countryside character of the area. Whilst the plans show screening by way of new planting it is considered that this would not be enough to screen the development and reduce its prominence within the streetscene.

It is noted that the proposal has been significantly reduced in an attempt to overcome concerns raised in the previous refusals and appeal decision however as assessed above the harm resulting from the proposal is too significant therefore appearing as an incongruous feature detriment to the character and appearance of the streetscene.

#### Impact on Neighbours

Whilst the proposal will be visible to the neighbouring properties it is sited sufficient distance away from them and as a result any impact on their existing residential amenities would not be so significant to refuse planning permission upon.

#### Other Considerations

Bradfield Parish Council have no comments on this planning application. There have been no letters of representation received.

#### Conclusion

As the proposed garage is contrary to local and national policy and would result in such a significant visual impact that this part of the application is recommended for refusal.

### **6. Recommendation**

Refusal - Full

### **7. Reasons for Refusal**

- 1 The National Planning Policy Framework 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. 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.

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 that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. Section A of this policy states requests that new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness and Section B requests that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Policy PPL3 states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The host dwelling comprises of a chalet bungalow type dwelling and the proposed garage will exceed 3m in height being positioned forward of the host dwelling allowing it to dominate the site and existing dwelling.

The frontages of Straight Road are predominantly open or enclosed by low level hedging contributing to the spacious character of the area. Many of the surrounding dwellings have outbuildings which are sited to the side or rear of their dwellings. Whilst the plans provided show 1.8m planting along the front boundary this would not screen the proposal in its entirety allowing for views which would be prominent and detrimental to the appearance and character of the locale.

The proposed outbuilding, by virtue of its siting forward of the dwelling and size will result in an incongruous form of development within the street scene, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies.

## **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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

### Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- 30 - Site Plan and Existing Block Plan
- 40 - Proposed Block Plan and Elevations
- Planning, Design and Access Statement