

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	31/08/2023
Planning Manager / Team Leader authorisation:	AN	01/09/23
Planning Technician final checks and despatch:	ER	08/09/2023

Application: 23/01005/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Mr Thomas McMunn

Address: 5 Cornwall Close Lawford Manningtree

Development: Erection of detached garden room.

1. Town / Parish Council

Lawford Parish Council No objections received

2. Consultation Responses

Not required

3. Planning History

99/00555/FUL Garage and extension to bungalow Approved 02.08.1999

23/01005/FULHH Erection of detached garden room. 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):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

Supplementary Planning Guidance:

Essex Design Guide

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks planning permission for the erection of a detached garden room within the rear private amenity space of 5 Cornwall Close.

The site itself is a semi detached bungalow type dwelling which is located within the development boundary of Lawford.

Assesment

Visual Impact

The proposed building will be sited within the rear garden of the site and screened by the host dwelling preventing views from Cornwall Close.

The new building is of a suitable design and scale which respects the house and will allow for a usable area of private amenity space to be retained for the occupiers.

The building will be finished in grey/ sailcloth boarding which is typical of a garden building and will match others in nearby gardens which are visible from the site.

The proposal is therefore considered a suitable addition to the site which would not result in a harmful impact to the character/ appearance of the existing house and streetscene.

Impact to Neighbours

The proposal will be set off of the shared boundaries and predominantly screened by the existing fencing already in situ. There will be small elements of the proposal visible to neighbouring sites above the existing fencing however these will only allow for minimal views which would not result in a loss of amenities to the nearby neighbours.

Other Considerations

Lawford Parish Council have no objections to the proposal.

There have been no letters of representation received.

Conclusion

The proposal is therefore compliant with national and local policy and in the absence of material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at

risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: 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.

Site Plan Rec 17.07.2023

Block Plan (1:200) - Rec 17.07.23

Proposed Front Elevation - Rec 17.07.23

Proposed Left Elevation - Rec 17.07.23

Proposed Rear Elevation - Rec 17.07.23

Proposed Right Elevation - Rec 17.07.23

Block Plan (1:500) Rec 27.07.23

Floor Plan Rec 27.07.23

Front Elevation (Showing door measurements) Rec 27.07.23

Side Elevation (Showing window measurements) Rec 27.07.23

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 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as 5 Cornwall Close, Lawford, Manningtree, Essex, CO11 2ES (or as may

be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed building would not be acceptable under the established policies of 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.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

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.