

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	30/11/2023
Planning Manager / Team Leader authorisation:	ML	01/12/2023
Planning Technician final checks and despatch:	ER	01/12/2023

Application: 23/01466/FULHH **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr and Mrs Osborne and Tedford

Address: Number Six Mill Lane Thorpe Le Soken

Development: Proposed detached garage.

1. Town / Parish Council

Thorpe le Soken Parish Council No objections

2. Consultation Responses

Essex County Council
Heritage
09.11.2023

The proposal site is a new development within the boundaries of the Thorpe Le-Soken Conservation Area and in close proximity to a number of designated and non-designated heritage assets, including but not limited to:

- Grade II* Listed Parish Church of St Michael;
- Grade II Listed Mill Barn Farmhouse;
- Thatch Cottage on Mill Lane;
- Remains of the Old Mill.

A site visit has been carried within the previous pre-application process out in order to assess the impact of the proposed development on the character and appearance of the Conservation Area.

Mill Lane, which is sideroad of the High Street to the south, is more rural and verdant in appearance; most properties are detached, set on larger plots with front garden planting and views out to the surrounding open land. Properties are set back from the road, with grass verges and increased density of mature trees lining the road. The strong verdant views from Mill Barn Farmhouse into the Conservation Area add to the appreciation of Thorpe-le-Soken's rural context. these views are mostly dominated by the presence of trees and mature vegetation on each side.

The proposed garage is of appropriate scale and of traditional design in keeping with the character and appearance of the Conservation Area. I advise a more traditional timber garage door would be considered more appropriate in this location.

The proposed outbuilding is sufficiently set back from the main road and is not considered to result prominent in views along Mill Lane and towards the Conservation Area. The reinstatement of trees and plantings that were removed during the construction of the new dwelling would contribute to enhance the verdant character of the Mill Lane and the character and appearance of the Conservation Area and would provide mitigate the visual impact of the development. The proposed trees could be further implemented with

the reinstatement of the native hedgerow to match the adjoining properties.

Overall, subject to the recommended alterations, the proposals are considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

3. Planning History

23/01466/FULHH Proposed detached garage. Current

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (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

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

No emerging or adopted neighbourhood plan

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)

Site Context

The site is a new development of a two storey detached house within the development boundary and conservation area Thorpe Le-Soken.

The house is significantly set back on its plot with a large driveway to the front and vehicular access.

Mill Lane, which is a side road of the High Street to the south, is more rural and verdant in appearance; most properties are detached, set on larger plots with front garden planting and views out to the surrounding open land. Properties are set back from the road, with grass verges and increased density of mature trees lining the road. The strong verdant views from Mill Barn Farmhouse into the Conservation Area add to the appreciation of Thorpe-le-Soken's rural context. these views are mostly dominated by the presence of trees and mature vegetation on each side.

Proposal

This application seeks planning permission for the erection of a detached garage.

The proposed detached garage will incorporate a hipped roof design and be erected in brick with boarding to match the existing house, the roof will be finished in slate and the "up and over" door will be painted in dark grey with a timber effect finish.

Since initial receipt of the application the design of the building has been amended to show a hipped roof design. The agent has provided amended plans showing this change.

Representations Received

There has been one objection received detailing the below concerns;

- The proposed building is excessively large and constitutes overdevelopment.
- Loss of open spaces
- Protrudes too far beyond the building line.
- The proposed building is out of character with the locale and character of the conservation area.

Thorpe Parish Council have reviewed the application and object on the basis that the proposed development is situated forward of the building line along Mill Lane. This would negatively impact the character and appearance of the Mill Lane conservation area, whilst also impacting the visual amenities of neighbouring properties.

The below report will assess and address these concerns raised.

Assesment

Visual Impact

The proposed garage will be sited forward of the main house on its large front driveway and therefore publicly visible within Mill Lane.

The proposed building will be set back from the front boundary by 4m and the proposed block plan shows new planting will be planted along the front and side boundary which will aid in reducing its prominence and impact to Mill Lane. As the planting is vital in screening much of the development a condition will be imposed to request further details to ensure it is sufficient to reduce the impact of the new garage. A further condition will be imposed to ensure that the approved landscaping is fully implemented.

The proposed building will be set off the site's boundaries and incorporate a low hipped roof design allowing for open space to be retained between the building and its neighbours preventing it from appearing cramped within the streetscene. The building itself will be orientated so that its flank faces the highway allowing users to access and park vehicles in an appropriate and safe way. This orientation will prevent significant views of the garage when viewing the site from the front reducing its impact. The public views from down the road will be largely reduced by the proposed planting.

The garage will be of a single storey design which will allow for it to appear as a subservient addition to the main house. The use of boarding and a slate roof will match that on the existing house allowing it to relate appropriately to the host dwelling.

The surrounding area itself comprises of a mixture of differently designed houses with many having accompanying garages or cartlodge features. Whilst many of these existing garages are to the side

of their host dwellings there are some which are forward of their respective dwellings in particular Mill Lodge to the south west of the site.

The proposed garage is therefore considered a suitable addition to the site which would not adversely impact the character/ appearance of the host dwelling or streetscene.

Heritage Impact

The site is located within a conservation area of Thorpe le Soken.

The proposed building is of a suitable design and size which is appropriate to the existing house and will be finished in similar materials. The set back of the proposal from the front boundary will reduce its impact and the planting along the front boundary will aid in further softening its prominence. As a result, the proposal would be considered a suitable addition to the site which would not result in such a significant impact to the character/ appearance of the conservation area to refuse planning permission upon.

ECC Heritage have been consulted and have provided no objections to the proposal however have raised concerns over the door of the garage and that sufficient planting should be retained. In response to these comments the plans have since been amended to show that the garage door will now be painted in a dark grey timber effect to allow it to be more traditional and the relevant landscaping conditions will also be imposed upon the permission.

There are two listed buildings within the locale "Mill Barn Farm" and " St Michaels Church." These buildings are significantly away from the site and the proposal is considered not to have a harmful impact on the setting/ character of these buildings.

A Heritage Statement has been provided in line with the requirements of the NPPF detailing the impact of the proposal on the conservation area.

Highway Safety

The ECC Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. They also request that new garages should have an internal measurement of 7m by 3m.

The garage will be erected on the front of the driveway and comply with the above measurements. As the house is set so far back the land to the front of it is still large enough to accommodate off street parking for two vehicles in line with the above standards.

The proposal will therefore not contravene highway safety.

Impact to Neighbours

Sited to the southwest is Tudor Lodge which is also a two storey detached dwelling set back on its plot. This neighbour benefits from an existing integral garage at ground floor which is closest to the site and significant planting and a low level fencing along the shared boundary. The proposed garage will be most noticeable to this neighbour however the plans do show that it will be set off the shared boundary by 1m and largely screened by the existing established planting. As a result, views of the proposal will be minimal to this neighbour and are considered not to result in such a significant loss of light, outlook or privacy in this case.

There are a number of trees present on the neighbouring site to the south which, due to their conservation area setting, are important to the general character of the area. A condition will be added to ensure suitable protection measures are in place to safeguard these trees during the erection of the proposal.

The site shares its northeastern boundary with a house known as Galene House and whilst elements of the proposal will be visible to this neighbour due to limited boundary treatment, it will be set away from the shared boundary, preventing it from resulting in a significant reduction in amenities this neighbour.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed 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.

6/MLT/2A

6/MLT/3

HERITAGE STATEMENT - REC'D 17.10.23

ADDENDUM TO HERITAGE STATEMENT - REC'D 30.11.23

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 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

4 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5 APPROVAL REQUIRED: LANDSCAPE PROTECTION

CONDITION: No development shall take place until the trees/hedges on the adjacent site have been protected by the erection of temporary protective fences, as shown on drawing no 6/MLT/3. The protective fences shall be retained throughout the duration of building and engineering works.

REASON: For the avoidance of damage to the trees/hedges in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure the trees and hedges are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to the vegetation.

8. Informatives

Positive and Proactive Statement

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.

9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral