

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	23/05/2024
Team Leader authorisation / sign off:	ML	23/05/2024
Assistant Planner final checks and despatch:	ER	23/05/2024

Application: 24/00451/FULHH **Town / Parish:** Lawford Parish Council

Applicant: Mr and Mrs Richard Kimberley

Address: 88 Hungerdown Lane Lawford Manningtree

Development: Householder Planning Application - single storey outbuilding to front of property.

1. Town / Parish Council

Lawford Parish Council No objections received.

2. Consultation Responses

Not required for this application.

3. Planning History

05/01054/FUL	Front extension.	Approved	09.08.2005
05/01803/FUL	Front Extension	Refused	08.12.2005
24/00385/FULHH	Single and two storey rear extensions, plus a single storey front extension forming a new front entrance along with an open porch. To include a new pitched roof over an existing flat roofed rear dormer window.	Approved	26.04.2024
24/00451/FULHH	Householder Planning Application - Current single storey outbuilding to front of property.		

4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 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

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

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is 88 Hungerdown Lane, which is a two-storey semi-detached residential dwelling within the parish of Lawford.

The character of the area is typically rural in nature, with large areas of grassed and agricultural land further out to all sides. However, to the immediate north and east are residential and commercial properties, with sporadic forms of development running along Hungerdown Lane itself.

The site is located outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

Proposal

This application seeks planning permission for a single storey outbuilding to the front of the site.

Relevant History

The site benefits from a recent planning approval under planning reference for "Single and two storey rear extensions, plus a single storey front extension forming a new front entrance along with an open porch. To include a new pitched roof over an existing flat roofed rear dormer window."

Assesment

Visual Impact

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

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 application site is located outside the development boundary with very little built form within the immediate locale. Sited to the northeast is an existing workshop and to the southwest is a two-storey house which joins the host dwelling. The buildings are significantly set back from the highway with sizeable front gardens and hedging which runs along the front boundary of the site.

The proposal will comprise of a detached outbuilding sited to the front of the site and forward of the application dwelling. The building will be set back from the front boundary by 8.8m and measure 4.8m in height. It will have a pitched roof design and will have three enclosed sides providing a total of 3no bays. One of the bays will be enclosed by doors whereas the other two will remain open. The outbuilding will be finished in weatherboarding over a brick plinth with a red/ brown tile hung roof.

The positioning of the proposed outbuilding will appear as a noticeable feature within Hungerdown Lane. Due to the height of the new building and the absence of other outbuildings positioned within front gardens it is considered that 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 locale.

It is noted that the proposal will be partially screened by the existing hedging, however, this only reaches 1.7m in height meaning large elements of the proposed development will remain visible and prominent from the public realm.

Moreover, the host dwelling itself is two storey in size and the proposed outbuilding will be 4.8m in height meaning that views of the house from Hunegrdown would be significantly obstructed which would further exacerbate the level of harm resulting from the proposal.

The proposed outbuilding therefore fails to comply with the above policies and would appear as a prominent and incongruous addition to the site which would be at the detriment to the visual amenity of the site and local area.

Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The Essex County Council Parking Standards requests that where a house comprises of two or more bedrooms that 2no off street parking spaces should be provided which measure 5.5m by 2.9m per space. They also state that garages should have an internal measurement of 7m by 3m internally.

The proposed bays will measure under the required amount for garages, as stated in the above-noted document, however the house is sufficiently set back from the front boundary with a sizeable driveway which can accommodate off street parking in line with the above standards.

As sufficient parking can be provided the size of the garage is considered not to result in a significantly harmful impact to highway safety to refuse planning permission upon in this regard.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

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

Other Considerations

Lawford Parish Council has no objections.

There have been letters of representation received.

Conclusion

As the proposed outbuilding 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.

8. Recommendation

Refusal - Full

9. Reasons for Refusal

- 1 The plots within this section of Hungerdown Lane are large in size with buildings set back on their plots with spacious frontages. The application dwelling benefits from a large front garden which is enclosed with hedging contributing to the spacious and rural character of the area.

The height of the proposed outbuilding will be over 4m with it positioned within the front garden allowing for noticeable and prominent views to be achieved from within the streetscene. The building will comprise of 3no bays making it a sizeable structure which due to its forward positioning is considered to dominate the site and existing dwelling.

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 rural character of the area.

The proposal is therefore contrary to paragraph 135 of the NPPF and Policy SP7 of Section 1 of the adopted Tendring District Local Plan 2013-2033, and Policies PPL2 and SPL3 of Section 2 of the adopted Tendring District Local Plan 2013-2033.

10. 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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):

JRK/SK/01A

JRK/SK/10

JRK/SK/11

JRK/SK/12

PLANNING STATEMENT - REC'D 26.03.24

11. 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