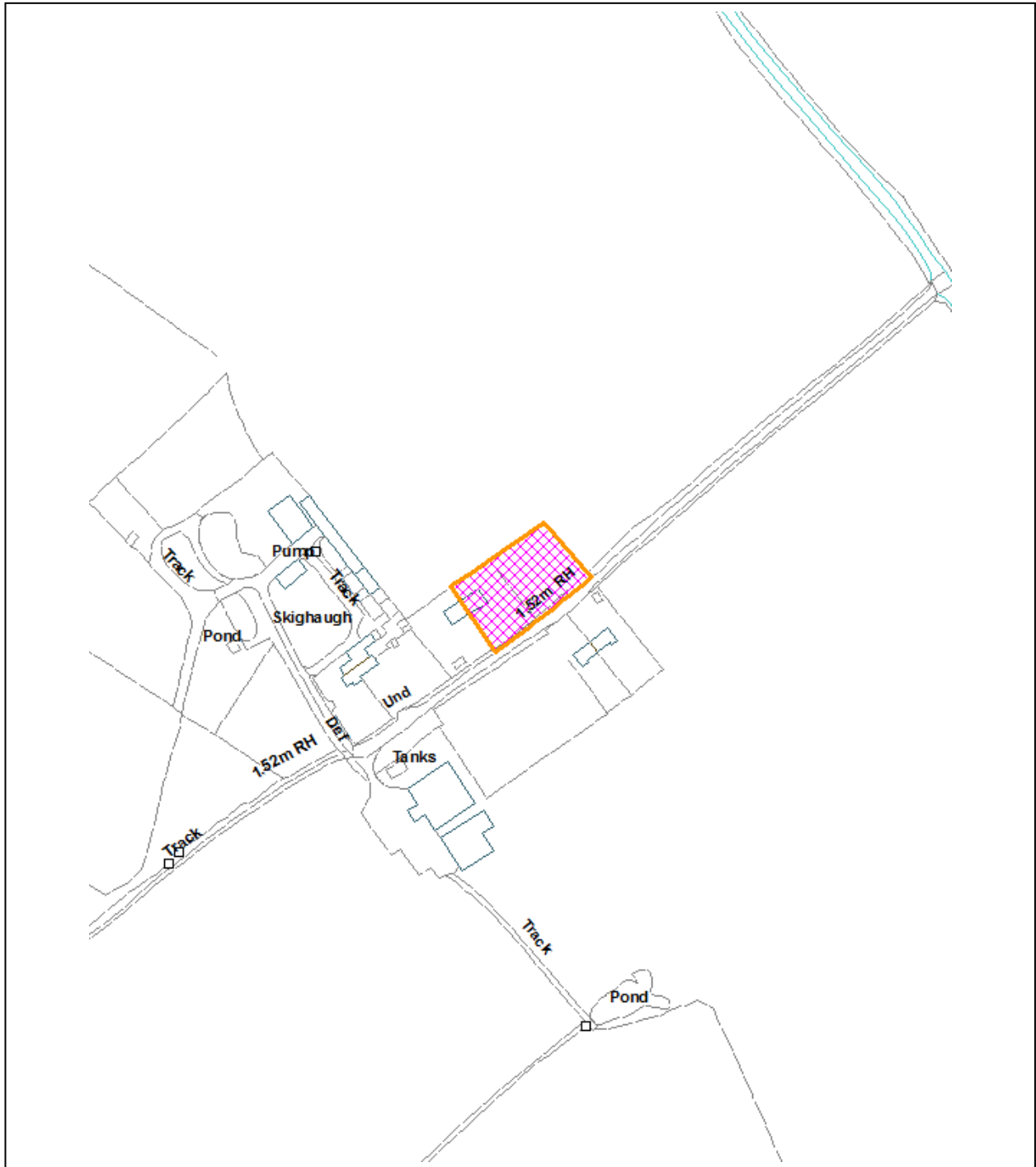


PLANNING COMMITTEE

29 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/01686/FUL – 3 SKIGHAUGH, CLACTON ROAD, STONES GREEN, CO12 5BY



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	17/01686/FUL	Town / Parish: Great Oakley Parish Council
Applicant:	Mr and Mrs B Woods	
Address:	3 Skighaugh, Clacton Road, Stones Green CO12 5BY	
Development:	Replacement dwelling and change of use of agricultural land to residential.	

1. Executive Summary

- 1.1 Councillor Bush has requested that the application be determined by Planning Committee as the proposal is situated outside of a recognised Settlement Development Boundary, as agreed in both the adopted and emerging local plans. Furthermore, concerns have been raised regarding the negative impact to the existing street scene and surrounding character.
- 1.2 Under planning reference 16/01346/FUL, planning permission was previously refused for the demolition of the existing semi-detached property and the erection of a replacement detached dwelling, with an extended residential curtilage, due to the significant detrimental visual impact upon the rural character of the surrounding area. The current application seeks permission to part demolish the existing semi-detached properties and replace with a new detached dwelling, whilst also extending the residential curtilage.
- 1.3 With regards to the change of use of the land, there is not considered to be any visual harm or harm to existing neighbouring amenities.
- 1.4 The proposed replacement dwelling, following the submission of an improved design to that previously refused, has addressed the Council's previous concerns, namely with a lowered eaves height and the inclusion of cat slide dormers, and as such will not result in significant visual harm to the areas surrounding character or any harm to neighbouring amenities, and therefore adheres to the criterion as indicated within Policy HG12 of the Adopted Local Plan 2007.

Recommendation: Approve

Conditions:

1. 3 Year Time limit
2. Approved plans
3. Removal of Permitted Development rights for outbuildings
4. Sample of materials

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

16/01346/FUL	Replacement dwelling, creation of garage, workshop and storage space and extension to curtilage.	Refused
--------------	--------------------------------------------------------------------------------------------------	---------

4. Consultations

ECC Highways Dept	The Highway Authority does not object to the proposal as submitted.
-------------------	---------------------------------------------------------------------

5. Representations

5.1 Great Oakley Parish Council object to the application in the strongest terms, for the reasons highlighted below:

- Concern over the potential impact on the health and welfare of the adjoining neighbour;
- Concern over the impact the proposed partial demolition of half the semi detached period cottage will have on the structural integrity of the adjoining property;
- Believe the proposed dwelling is inappropriate in design and scale for this rural location;
- Significant detrimental impact on the existing street scene;

- Site in Green Belt and not within any part, current or future proposed development boundary in the village; and
- If the applicant needs additional space, should consider sympathised renovation and extension of existing property.

5.2 Four letters of objection have been received. The points raised have been summarised below:

- Negative impact to the character of the surrounding area;
- Size of replacement dwelling not in-keeping with other nearby properties;
- Will be a blot on the landscape;
- Potential future applications to raise the eaves level;
- Concerns storage area could result in significant disturbances;
- Rear extension in particular will appear overpowering;
- Would create an unbalanced setting to the street scene; and
- Decrease value of adjacent property.

6. **Assessment**

The assessment will be divided into two sections; one will assess the impact of the change of use of land from agricultural to residential, whilst the other will assess the impacts of the proposed replacement dwelling.

Site Context

- 6.1 The application site is located to the south-west of Clacton Road, and falls within the Parish of Great Oakley. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies outside of any defined Settlement Development Boundary.
- 6.2 The site has an area of 0.10 hectares and forms the right side of a pair of semi-detached chalet style properties, constructed of black weatherboarding and pantile clay tile, whilst each property benefits from a front elevation cat slide style dormer. The site is well set back, with the character of the surrounding area being predominantly rural, although there are examples of some semi-detached residential properties nearby. Approximately 25 metres to the south is a Public Right of Way.

History

- 6.3 Under planning reference 16/01346/FUL, planning permission was previously refused for the demolition of the existing semi-detached property and the erection of a replacement detached dwelling, with an extended residential curtilage. The reason for this refusal was that the resulting detached property would consist of a higher eaves height and three pitched roof dormers to the front elevation, resulting in the proposal appearing at odds with the traditional cottage style proportions of the existing semi-detached dwellings. The inclusion of such unsympathetic elements was considered to appear incongruous in this location and would provide an unbalanced setting to the street scene to the significant detriment of the rural character of the surrounding area.

Proposal

- 6.4 The application seeks permission for the partial demolition of the existing semi-detached property and the erection of a replacement detached dwelling, which will measure 6.6 metres in height, 9.8 metres in width and 12.9 metres in depth, and will provide three bedrooms.

- 6.5 Part of the existing semi-detached property shall remain in situ, and is proposed to be used as a cycle store at ground floor level and a storage area at first floor level.
- 6.6 The application will also see an extension of the residential curtilage of the property, to include land which is currently classified as agricultural.

Change of Use of Land

- 6.7 The application involves the change of use of existing agricultural land to the east of the application site, and converting it to residential. The area proposed to be converted measures 34 metres in depth and 31 metres in width, and whilst this is a large curtilage extension, it will ensure that the residential curtilage will be level with that to the properties to the south-east.
- 6.8 Part of the existing site is currently laid to grass, and the proposal will therefore not result in a significant visual change, thereby ensuring a neutral impact. Furthermore, there will be no impacts to existing neighbouring amenities, whilst a condition to ensure permitted development rights for new buildings on this land are removed can be added as a condition, which will ensure existing neighbouring amenities are protected. Therefore the changes will result in a neutral impact.

Replacement Dwelling

- 6.9 The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary and is therefore acceptable in principle subject to detailed consideration against saved policy HG12. Saved policy HG12 states replacement dwellings will be permitted provided it:
 - 6.10 (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

The character of the surrounding area is typically rural, with the only residential dwellings being characterised as semi-detached, notably to the south-east as well as the application site itself. The properties, with their simple cottage style proportions incorporating modest cat-slide dormer windows and a low eaves level, are well balanced and form a symmetrical pair of cottage style dwellings that sit well within their rural surroundings.

The application demonstrates significant material changes to that previously refused under planning reference 16/01346/FUL, with the inclusion of cat slide dormers as opposed to the previously unacceptable pitched roof dormers and the lowering of the eaves height to be in-keeping with the adjacent property. Furthermore, part of the existing building is to remain attached to the party wall and the design will include a hipped roof to match the existing design, further ensuring the proposal maintains the properties existing character.

Overall, despite the principle loss of the existing semi-detached properties, the proposal has addressed the Council's previous concerns and as such is of a more sympathetic design that is in-keeping with the character of the surrounding area, whilst exact materials to be used can be secured by condition.

- 6.11 (ii) is well related and in proportion to the original dwelling;

The replacement dwelling is of a slightly larger scale than the existing property on the plot. Due to the size of the plot being of a sufficient size to accommodate a larger dwelling, the proposal would not however appear cramped.

- 6.12 (iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

Whilst it is considered that due to the depth of the proposed replacement dwelling, there will be some loss of views to the open character of the surrounding countryside, particularly from views via the east, the proposal is not sited within a protected area and is not a significant departure from the existing dwelling and will not result in a significantly detrimental impact or intrusion to the surrounding area.

- 6.13 (iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The dwelling would retain good side isolation to its boundaries, thereby preserving the rural character of the locality.

- 6.14 (v) would not represent over-development of the site;

The site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.

- 6.15 (vi) would not be detrimental to highway safety;

As a result of the proposal, access arrangements to the site will remain unchanged, whilst there is significant area to the front of the property to accommodate the parking of two vehicles by measurements of 5.5 metres x 2.9 metres, as per Adopted Essex Highway requirements.

- 6.16 (vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

The proposed replacement dwelling is most closely related to the adjacent property to the south-west. However, the proposal ensures a significant distance of 7 metres separating the two properties, thereby ensuring that the outlook and light received by the neighbouring property would not be adversely affected. The only side elevation first floor window will serve a bathroom and will be opaque glazed, whilst the only first floor rear elevation window will have minor views to the neighbouring property, a slight improvement on the existing circumstances. Furthermore, whilst concerns have been raised regarding potential noise concerns from the section of the existing building to remain in situ, the submitted plans demonstrate that the area will be used for storage and a cycle store, which will not result in any significant noise.

- 6.17 (viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

The building is not in a poor state of repair and is therefore capable of reasonable improvement or extension; and the existing semi-detached properties do positively contribute to the character of the area. The proposal has been designed in such a way as to ensure the positive contribution the dwellings make is maintained. The existing dwelling is reduced to a store and the design respects the adjoining dwelling. The new dwelling reflects the altered design of the existing building.

- 6.18 (ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criterion is not applicable to this application.

- 6.19 (x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

Background Papers

None