



**Application No:** 151926

**Location:** 35 Yorick Road, West Mersea, Colchester, CO5 8AJ

**Scale (approx):** 1:1250

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**7.6 Case Officer: Chris Harden**

**Due Date: 30/10/2015**

**MINOR**

**Site:** 35 Yorick Road, West Mersea, Colchester, CO5 8AJ

**Application No:** 151926

**Date Received:** 4 September 2015

**Agent:** Jamie Kelly

**Applicant:** Mrs J Woolley

**Development:** Replacement dwelling.

**Ward:** West Mersea

**Summary of Recommendation:** Conditional Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because the applicant's son is a Borough Councillor.

## **2.0 Synopsis**

- 2.1 The key issues explored below are consideration of the design, scale and form of the replacement dwelling, its impact upon the character of the street scene and any impact upon neighbouring residential amenity. It should be noted that an application to extend the original house to a form and size very similar to the replacement dwelling now proposed was approved at the August 2015 Planning Committee (151318). The latest proposal is considered acceptable in terms of its impact upon the character of the street scene and upon the amenity of immediate neighbours. Approval is, therefore, recommended.

## **3.0 Site Description and Context**

- 3.1 The site lies within the physical limits of West Mersea and is a single storey dwelling. Either side are single storey dwellings, although within the street are houses of various sizes, including two storey and one and a half storey dwellings.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the erection of a replacement dwelling to provide a 1 ½ storey, two bedroom dwelling. The dwelling would be 1.2 metres higher to the ridge than the existing dwelling, being raised by 1.2 metres to 7.1 metres. For the avoidance of doubt, it should be noted that in the previous Committee report (151318) it was stated that the height of the dwelling would be raised 1.2 metres to 6.9 metres as measured on the drawings although the dimensions said 7.1 metres. The current proposal is deemed to be the same height as the previously approved scheme. The eaves would remain at the same height as the existing dwelling. The western side of the dwelling

would also be extended eastwards by 1.2 metres at the new full height. These elements are the same as originally approved.

- 4.2 The existing single storey front wing would also have the roof pitch raised by 0.5 metres so that the ridge would be 5.1 metres above ground level. The previous approval showed this height to be 5.3 metres. A rear single storey extension would also be provided which would project 4.3 metres rearwards and would have a pitched roof up to a height of 3.9 metres above ground level facing eastwards and a flat-roofed element facing westwards. The height of the rear element is around 0.1 metres higher than previously approved.
- 4.3 The replacement dwelling would also be moved approximately 0.2 metres further away from the Eastern boundary than the existing dwelling.

## **5.0 Land Use Allocation**

- 5.1 West Mersea settlement boundary.

## **6.0 Relevant Planning History**

- 6.1 The previous application for first floor and rear extensions (151318), as outlined above, was approved at the August Planning Committee and the decision notice was issued on 2<sup>nd</sup> September 2015.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
  - UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP1 Design and Amenity
  - DP12 Dwelling Standards
  - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
  - DP16 Private Amenity Space and Open Space Provision for New Residential Development
  - DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning Documents:

- Sustainable Construction
- Extending Your House?
- The Essex Design Guide

## **8.0 Consultations**

8.1 The consultation exercise has not resulted in the receipt of any statutory consultee comments.

## **9.0 Parish Council Response**

9.1 Parish Council state: "Following discussion it was agreed to recommend CONSENT be granted in respect of this application."

## **10.0 Representations**

10.1 7 letters of objection have been received (from a total of three neighbours), making the following points.

- (i) Housing stock fails yearly to increase, surely be a mistake to allow the destruction of existing excellent brick built bungalow to allow another 2 bed dwelling squeezed onto this very small site. Replacement would have alien cladding and considerable extra height and width, would bulge grossly over the neighbours and spoil the appearance of the whole area.
- (ii) Destruction will cause local aggravation and noise and air pollution from construction, close to bus stop and school.
- (iii) Will be bigger and higher than any of the surrounding bungalows, and hardie board will emphasise this, making it a gross intrusion and out of keeping.
- (iv) Will be shoehorned into very small site.
- (v) Will be a waste of ideally placed small home, perfect for a retired couple. An unnecessary waste. West Mersea is a very popular place for people to downsize and retire to. Very few, if any, small bungalows are being built on the island.
- (vi) Will have an overbearing impact on my property from its size (height and width).
- (vii) Overshadowing and overpowering to neighbouring bungalows. Hip main ridges to lessen impact? Additional proposed height make it an inappropriate building in the current pensioner bungalow enclave.
- (viii) Previous condition 5 restricting any further enlargement, improvement or other alteration without prior approval of the Planning Authority should be restated.
- (ix) Difficult to complete our comments until the incorrect and ambiguous plans are corrected and published on line.
- (x) Reminder : Our waste system may cross the proposed build area.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

11. The dwelling would have space for two cars to park at the front of the property so would accord with Policy DP19 Parking Standards.

## **12.0 Open Space Provisions**

- 12.1 There is no requirement for any public open space provision for this application.

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a “Major” application and, therefore, there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

- 15.1 It is considered that the design, scale, form and location of the replacement dwelling is acceptable in terms of its impact upon the character of the street scene. The height of the existing dwelling would only be raised by 1.2 metres to 7.1 metres and the eaves would stay the same height. As concluded before on application 151318, whilst this would be higher than the bungalows either side, it would not be out of keeping with the scale and height of some of the other dwellings in the street and would not visually dominate the adjacent bungalows too significantly. There is already, therefore, some variation in the types and sizes of dwellings in Yorick Road so it is considered the alterations would relate visually satisfactorily to the character of the area.
- 15.2 Similarly, the front wing of the property is only being raised by 0.8 metres to 5.1 metres and this resultant height would look acceptable in this context. The proposed rear extension, which is only 0.1 metres higher than previously approved would not have a significant visual impact upon the street scene and would fit in with the character of the dwelling.
- 15.3 As before, a key consideration is the impact of the proposals upon neighbouring residential amenity. As was concluded previously, it is considered that the increase in height of the main roof by 1.2 metres and moving the flank wall closer to the west side boundary by 1.2 metres would not result in a significantly detrimental impact upon neighbours in terms of an overbearing impact, loss of light or loss of outlook. The fact that the dwelling would be located a little further from neighbouring property than the previously approved scheme is also slightly beneficial in residential amenity terms. The conservatory on the side elevation of the bungalow to the west would still be 4.5 metres from the new flank wall and this distance would allow adequate light to the property whilst not being unacceptably overbearing or resulting in a significant loss of light.

- 15.4 Similarly it is considered that No. 37 is far enough from No. 35 to avoid there being a significant loss of light, overbearing impact or loss of light from the raising of the main roof or front element. The fact that the eaves are being retained at the same height and that the roof tapers towards the new ridge height helps minimise the impact upon the amenity of both properties either side.
- 15.5 The height of the rear extension would be 3.9 metres above ground level and this avoids any significant loss of light or overbearing impact.
- 15.6 The first floor side window on the East elevation serves a bathroom and so would therefore be obscure glazed. There would, therefore, not be overlooking of No. 37 from this window. A condition can also be applied to ensure the roof lights on the rear elevation have their lower cill a minimum of 1.7 metres above the internal first floor level. This will avoid any overlooking from the rear too and will accord with the SPD.
- 15.7 As with most development such as this, there inevitably can be a degree of disruption during construction works but this is not considered a reason to warrant refusal of the proposal. If there is a statutory nuisance caused, this can be addressed under Environmental Health legislation.
- 15.8 Finally, there will be no impact upon highway safety, vegetation or wildlife.

## **16.0 Conclusion**

- 16.1 In conclusion it is considered that the scale, form, design and location of the replacement dwelling would relate satisfactorily to the character of the street scene and to the existing dwelling itself. The scheme is also considered acceptable in terms of its impact upon neighbouring residential amenity. These were also the conclusions reached on the very similar, previously approved scheme which extended the dwelling rather than replacing it. The previous proposal had been amended in a number of ways to attempt to alleviate some of the neighbours' concerns, including the reduction of the roof height on the rear extension to a height lower than that allowed under Permitted Development. This latest proposal carries through those amendments and is therefore considered acceptable. The same conditions that were applied to the previous approval can be applied to this case.

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions:

## **18.0 Conditions**

### **1 - Time Limit for Full Permissions**

The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

## 2 - \*Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers YR/PA010, YR/PA011, YR/PA012A received 4/9/15. Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

## 3 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

## 4 - Non-Standard Condition/Reason

The first floor bathroom window on the east elevation shall be obscure glazed (level 4 obscurity) and thereafter retained as such and the rooflights on the rear elevation shall have a lower sill level no less than 1.7 metres above the first floor level.

Reason: In the interests of neighbouring privacy.

## 5 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

## 19.0 Informatives

### (1) ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

### (3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

## **20.0 Positivity Statement**

- 20.1 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.