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**Item No:** 7.4

**Application:** 163095

**Applicant:** M Mark Anstey

**Agent:** Mr P Tyler

**Proposal:** Single storey rear extension, first floor side extension, brick plinth and cladding to external walls

**Location:** 23 Shears Crescent, West Mersea, Colchester, CO5 8AR

**Ward:** Mersea & Pyefleet

**Officer:** Bruce OBrien

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

- 1.1 This application is referred to the Planning Committee because Peter Tyler is a former member of staff at Colchester Borough Council.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the impact of the proposal on the amenity of neighbours and over development of the site.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The site is situated within a residential area of West Mersea. The site contains a detached dwelling, built under planning permission granted in 1980. The site has other residential dwellings to all sides, although directly to the rear of the site is the garden area of 8 Broomhills Road, the road adjacent to Shears Crescent.
- 3.2 The detached dwelling at 23 Shears Crescent is a three bedroom property with an attached side garage and front driveway parking. Within the area of the site, there are trees which will need to be considered as part of the development tree protection plan.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for three main elements. A single storey rear extension, a first floor extension above an existing garage and the cladding of the dwelling in a cement based weatherboarding, above brick plinths.
- 4.2 The rear extension is not seen as significant in scale. It would be less than 20 m<sup>2</sup> in footprint and 3.3m high at the ridge of its lean-to roof. There would be two roof lights within the extension, a casement window to the eastern side elevation and French doors to the western side elevation and the rear.
- 4.3 The extension above the exiting garage would be in the form of a gabled return wing extending from the right hand section of the main dwelling. The gable would be quite shallow, but this is necessary in order to supply internal space, and to be subservient in height to the main dwelling.
- 4.5 There would be a window in the north elevation to serve an en-suite, and a window to the southern elevation, facing the highway, serving a bedroom. During a conversation on site, the applicant agreed to obscure glaze the northern elevation window.
- 4.6 The applicant has asked for permission to change the materials cladding the external walls of the dwelling. The use of a light coloured weatherboard is deemed acceptable. Many dwellings within the West Mersea area are adopting

this material as an external cladding material, particularly when there is a need to add insulation to external walls.

## **5.0 Land Use Allocation**

- 5.1 The site is located within the defined settlement limits and a residential area where development such as this is acceptable in principle.

## **6.0 Relevant Planning History**

- 6.1 The dwelling at 23 Shears Crescent was granted planning permission in 1980 under application number 80/1408. As part of the application a condition was placed on the site to remove the right to build any further extensions to the dwelling.

## **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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below.
- 8.2 The tree officer at Colchester Borough Council has requested an Arboriculture Impact Assessment to be carried out. This will be conditioned as part of any approval.
- 8.3 The archaeological officer at Colchester Borough Council considers that no harm will be caused to archaeological assets as a result of the proposal. More information may be set out on our website.

## **9.0 Parish Council Response**

- 9.1 The Parish Council have stated that they disapprove of the scheme, due to design reasons, quoting Section 7, Paragraph 58 of the NPPF as policy reasons to support for their objection to the scheme.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 The neighbour at 8 Broomhills Road has objected because of perceived overlooking issues and over development of the site.

## **11.0 Parking Provision**

- 11.1 The parking provision will remain unaltered as a result of the proposed development.

## **12.0 Open Space Provisions**

- 12.1 This scheme raises no concerns regarding open space.

## **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 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 (s.106) of the Town and Country Planning Act 1990.

## 15.0 Report

### Design and Layout.

- 15.1 The design is in two parts, a single storey rear extension and a first floor extension above a garage. Both have been designed in traditional forms, one as a gabled return wing, and the other as a lean-to single storey extension. The layout will create further dining area to the ground floor and a bedroom and ensuite at first floor level. The new extensions, along with the remainder of the dwelling would be clad in a light weatherboarding.

### Scale, Height and Massing.

- 15.2 It is considered that the scale of the proposal is acceptable. The total footprint of the dwelling after extension would be 32 m<sup>2</sup>, less than 50% of the site area which is 72 m<sup>2</sup>. This would leave amenity space of 40 m<sup>2</sup>. The height of both proposed extension elements are acceptable. The highest point of the single storey extension would be 3.3m at the ridge and the height of the side extension would remain subservient to the main dwelling. The side extension would be above the existing garage, which lies one metre from the neighbouring boundary.

### Impact on the Surrounding Area

- 15.3 House extensions are a common factor of the residential areas of West Mersea. The use of cladding for the external walls is becoming an increasingly common sight within the area. It is only the first floor side extension that would be visible from the highway, and it is considered that this element would not be a harmful addition to the character of the area.

### Impacts on Neighbouring Properties

- 15.4 The neighbours to the north of the application dwelling have objected to the proposal for reasons of overlooking. One window in the rear northern elevation of the proposed first floor extension would overlook a screened garden of number 8 Broomhills Road. However, this objection is easily eliminated through a condition that will obscure glaze the offending window and prevent it from being opened below 1.7m from floor level. The neighbours at 8 Broomhills Road and the Town Council have objected for reasons of design and over-development. The proposal would increase the footprint of the dwelling by less than 20m<sup>2</sup> and as such this would not be considered as an over-development of this site. The design of the proposal is considered to be acceptable. The forms are traditional and the side extension would be subservient to the main dwelling.

### Amenity

- 15.5 The proposal has been assessed against Colchester Borough guidelines for issues of overlooking, overbearing and overshadowing. Whilst it is accepted that the neighbours at number 8 Broomhills Road may lose an amount of light to their rear garden, it is not considered enough to form the basis for a refusal. On other counts, the proposal passes guideline tests and where necessary the application would be conditioned appropriately.

### Landscape and Trees

- 15.6 The tree officer has called for an AIA. This has been requested from the agent and as it has not been forthcoming prior to the decision, then this will be requested as a pre-commencement condition.

### Highway Safety and Parking Provisions

- 15.7 These arrangements would remain unaffected.

### Private Amenity Space Provision

- 15.8 The proposal would leave the site with 40 m<sup>2</sup> of private amenity space. Whilst this would not be adequate for a new residential development with 4 bedrooms, where extensions are concerned, many applications are granted with this amount of amenity space and therefore this 40 m<sup>2</sup> space is considered adequate.

### Other Matters.

- 15.9 When the development was granted planning permission in 1980, the approval was conditional. As the original dwelling was an infill site, one of the conditions was to prevent any further extensions on the site. It read:

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1977, Schedule 1.1, the building shall not be extended beyond that permitted by this planning permission without the express consent in writing of this Council.

Reason: Any extension of the building beyond that now proposed would be liable to be detrimental to the character of the area and adversely affect the residential amenities of adjoining properties and a preserved tree.

However, planning policies have changed over almost forty years, and extensions built on plots of this size are now viewed as acceptable and they are commonplace.

## **16.0 Conclusion**

- 16.1 To summarise, the proposal is acceptable in terms of design, size and amenity space. It complies with Colchester Borough Council Core Strategy Policies SD1 and UR2, and development policies DP1. The proposal meets the NPPF guidelines for sustainable development and the scheme is therefore acceptable.

## **17.0 Recommendation to the Committee**

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

### **1. ZAA - 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. ZAM - \*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 883- 5, 6 and 7 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **3. ZDF - \*Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)\***

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the window in the northern elevation of the proposed first floor extension shall be non-opening below 1.7m from floor level and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

### **4. ZFP - Full Arboricultural Survey**

Prior to the commencement of development, details including a survey of the development site as existing and, as appropriate, a Land Survey in accordance with BS 5837, shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site

## **18.1 Informatives**

- 18.1 The following informatives are also recommended:

### **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.

### **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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **ZTB - Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.