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Item No: 7.3

Application: 223010

Applicant: Mr Sahota

Agent: Andrew Feasey

Proposal: Proposed side extension

Location: Lexden Manor, 8 Colvin Close, Colchester, CO3 4BS

Ward: Prettygate

Officer: Simon Grady

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Tate on the basis that the proposed development: -
- represents over-development of the site (including the loss of outdoor space),
 - has a harmful impact on the appearance of a historic building
 - is rather small and cramped
 - fills a space for the sake of it
 - represents overdevelopment of the area
- 1.2 Concerns have also been expressed by Councillor Tate about the disruption being caused by the implementation of an approved scheme on an adjacent site. This is not considered to be a material consideration for this particular application.

2.0 Synopsis

- 2.1 This Householder application seeks planning permission for a proposed single-storey side extension. The key issues for consideration are the creation of an annexe, the design of the proposed development, its impact on neighbour amenity, and impacts on the mature tree adjacent to the application site. All relevant issues are assessed in the report below.
- 2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the proposed development would not cause harm to neighbour amenity and the principle of creating an annexe in this location is acceptable.
- 2.3 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 The application site contains a detached dwelling lying inside of the Central Colchester settlement boundary in Prettygate Ward. The site is not in a Conservation Area. There are no protected trees on or adjacent to the site and the site is in flood zone 1. There are no Listed Buildings or structures on the Local List whose setting could be affected by this proposed development. The site is located within a predominantly residential area where development such as that proposed in this application is considered to be acceptable in principle

4.0 Description of the Proposal

- 4.1 The proposed side extension would have a footprint of approximately 35m² and would be a minimum of 1m from the shared boundary to the east. A small area of the existing dwelling needs to be demolished. The development would provide living accommodation for an elderly parent of the applicants, including the provision of a bedroom, ensuite and kitchen.

5.0 Land Use Allocation

- 5.1 Residential, within Colchester settlement limits.

6.0 Relevant Planning History

- 6.1 A new 5 bedroom house with 3 bay cart lodge situated within the curtilage of the application site was granted planning permission under 210331 and has subsequently been implemented. The property lies to the west of the application site.
- 6.2 A householder application for the demolition of an existing outbuilding and conservatory and construction of new garage block with room above & single-storey rear extension on footprint of former conservatory was granted planning permission under 211890.

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 Local Plan 2017-2033 Section 1
The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:
- SP1 Presumption in Favour of Sustainable Development
 - SP7 Place Shaping Principles
- 7.3 Local Plan 2017-2033 Section 2
Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:
- DM12 Housing Standards
 - DM13 Domestic Development
 - DM15 Design and Amenity
 - DM19 Private Amenity Space
- 7.4 The site is not within a Neighbourhood Plan area.
- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
- The Essex Design Guide

- External Materials in New Developments
- Managing Archaeology in Development.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website. The following stakeholders were consulted:
- Archaeological Advisor

Archaeological Advisor

- 8.2 “Recent past archaeological work at this location (including monitoring the footings for the detached garage) has not revealed any archaeological remains. There are therefore no archaeological requirements in relation to this new application.”

9.0 Parish Council Response

- 9.1 The site is not within a Parish Council area.

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 planning considerations is given below.
- Overdevelopment of the site
 - The new development of will be overcrowded in the local community.
 - Harmful overlooking into Marlowe Way
 - Substantial tree
 - potential of becoming a separate dwelling, generating more vehicle movements,
 - Loss of garden space

11.0 Parking Provision

- 11.1 Parking provision on site would be unaffected by this proposal.

12.0 Accessibility

- 12.1 In considering the application, due regard has been given to the Local Planning Authority’s duties under the Equality Act 2010, which legally protects people from discrimination in the workplace and in wider society. Representations received have not identified any specific equality implications potentially arising from the proposed development and requiring additional consideration.

13.0 Open Space Provisions

13.1 The proposal does not include, nor is it required by policy to make any, open space provisions.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 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.

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Design
- Impact on the Surrounding Area and Neighbouring Properties
- Tree protection
- Overdevelopment of the site
- Private Amenity Space Provision

Principle of Development

16.2 The application site is located in a sustainable, residential area where single storey extensions are acceptable in principle. The principle of creating residential annexes is covered in Local Plan Policy DM13: Domestic Development. This policy says that residential annexes will be supported if they are physically attached or closely related to the main dwelling, retains some dependence on the main dwelling, respects the character of the area and does not harm neighbouring amenity. These matters are considered in the remainder of this report.

Design

16.3 The design of the proposed development is considered satisfactory on its own merits. The development is visually acceptable with all external facing materials to match the existing host dwelling and would not detract from the appearance of the original building.

Impact on Surrounding Area

16.4 The proposed extension would not be readily visible from the public domain so it is therefore considered that there would be no harmful impact on the character of the surrounding area or the street scene.

Impact on Neighbouring Properties

- 16.5 The proposed development would be approximately 12 metres away from the nearest neighbouring dwellings (in Marlowe Way to the east) and given that it is single storey it is considered that it would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.
- 16.6 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.
- 16.7 Whilst the proposed development does not include any new windows at first floor level, there are ground floor windows and a door proposed on the side elevation of the extension that would face the neighbouring dwellings to the east that would offer an unsatisfactory angle of overlooking that may be harmful to the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD. This is because the boundary fence between the application site and the neighbouring properties is lower than 1.8m and the proposed development is less than 1m from the boundary in places. To mitigate these concerns it is recommended that all glass above 1.5m above the floor level in windows and the door on this elevation is glazed in obscure glass and non-openable. This is to be controlled by a condition.

Tree Protection

- 16.8 There is a tall Silver Birch tree in a neighbouring garden that is close to the development site. It is not protected with a Tree Preservation Order and is not eligible for protection. An Arboricultural Impact Assessment has been submitted and is being considered by the Council's Tree Officer. Suitable Conditions should be added to the Decision Notice, if the application is approved, to ensure that the necessary precautions are put in place during construction works to protect the tree from harm.

Private Amenity Space Provision

- 16.9 Local Plan policy DM19 states that new dwellings with 4 or more bedrooms must provide a minimum of 100m² of private amenity space. It has been calculated that the amount of private amenity space being retained after the proposed development is implemented would be in excess of this figure and the proposal is therefore acceptable in this respect.

Heritage

- 16.10 There are no heritage assets in the vicinity of the application site and consequently there are no concerns that the proposed development would have a harmful impact on the setting of any listed buildings. In addition, the Council's Archaeology Advisor has confirmed that no archaeology conditions are required.

Overdevelopment of the Site

- 16.11 It is not considered that this proposed extension represents a cramped form of development that would constitute overdevelopment of the site. The annexe meets the relevant criteria set out in policy DM13 and an adequate amount of private amenity space would be retained to meet policy DM19. The proposed development would not reduce the amount of parking or turning facilities on the site and would not give the appearance of being cramped, viewed from anywhere in the public domain. The extension would be located approximately 12 metres from the nearest dwelling so it would not have a harmful impact on the neighbouring dwelling and the size of the application site is large enough to accommodate the extension. It is therefore considered that the proposal is not overdevelopment of the site.

17.0 Planning Balance and Conclusion

- 17.1 The proposed extension complies with the relevant policies in the Council's adopted local plan and there are no material planning considerations that indicate it should be refused.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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 Site Location Plan, Site Block Plan, Drawing Numbers 22_1759_100 and 22_1759_102_102 and the Arboricultural Impact Assessment and Preliminary Method Statements (including appendices) for the site, reference No. TPSarb8150123 dated 26 January 2023.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

4. Removal of PD - Obscure Glazing But Opening

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 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), all parts of the windows in the side elevation (facing east) of the extension hereby approved that are over 1.5m above ground level shall be non-openable 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.

19.1 Informatives

19.1 The following informatives are also recommended:

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.