



Application No: 150807

Location: 24 Elmstead Road, Colchester, Essex, CO4 3AA

Scale (approx): 1:1250

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7.2 Case Officer: Daniel Cameron

Due Date: 18/06/2015

Householder

Site: 24 Elmstead Road, Colchester, Essex CO4 3AA

Application No: 150807

Date Received: 23 April 2015

Agent: Mr Brian Griffiths

Applicant: Mrs K Mohanathan

Development: Demolish existing conservatory and small lean-to extension and build two storey and ground floor extension to rear.

Ward: St Andrews

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee as it has been called in by Councillor Tim Young for the following reasons:

- Loss of light to the neighbouring property, and
- Overlooking of the neighbouring property.

2.0 Synopsis

2.1 The key issues explored below are the impacts of the proposed extension in terms of any overbearing, overshadowing and infringing the privacy of the neighboring properties.

3.0 Site Description and Context

3.1 Elmstead Road is located within the St. Andrews ward in east Colchester and lies between the Hythe and the University of Essex campus. It is predominantly residential in character and is largely made up of modern, semi-detached properties set back from the road.

3.2 The application site is a three bedroomed semi-detached property with small scale extensions to the rear of the property. The property enjoys a paved, off-street parking area to the front and good sized garden to the rear. It has previously been extended at single storey level to the rear. The neighbouring property, number 26, is other property forming the semi-detached pair and similarly enjoys a paved, off-street parking area to the front of the property and good sized rear garden and also enjoys a single storey extension at the rear. The other neighbouring property, number 22, is a detached property, again with good sized rear garden, and shows no signs of extension. Each property boundary is lined by 6 foot high timber panelled fencing.

4.0 Description of the Proposal

- 4.1 This application seeks permission for a rear extension. It proposes demolishing the existing single storey lean to and conservatory extensions currently present on the property and replacing them with an extension combining both a two storey, and single storey element. The extension will project out 3m from the existing lean to extension and 2m from the existing conservatory. This would amount to a projection from the original rear wall of the property of 4.75m. The single storey element of the proposed extension stands 3m high, while the two storey element stands some 6m high. It is proposed that the single storey element be placed adjacent to number 26 so as to limit any impacts from the two storey element upon that property.

5.0 Land Use Allocation

- 5.1 The current land use allocation of the area is residential.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history relating to this property.

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:
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
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Extending Your House?
The Essex Design Guide

8.0 Consultations

- 8.1 The application was put out to public consultation until the 18th May 2015 and was advertised on the website of Colchester Borough Council.

- 8.2 In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 N/A. The site is in an unparished town ward.

10.0 Representations

- 10.1 One representation was received which spoke against the development. It expressed concern that the extension would limit the light reaching their lounge at the rear of the neighbouring property, number 26, as it would extend some 2.2m beyond their property.

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

11.0 Parking Provision

- 11.1 N/A.

12.0 Open Space Provisions

- 12.1 N/A.

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 Design and Layout
The proposed extension is well related to the original dwelling in architectural style and scale. The footprint of the extension will not significantly increase the property beyond its current dimensions and will still leave the property with a good sized rear garden. The single storey element of the proposal would come under permitted development rights and could be built without planning permission. In terms of layout the two storey element of the proposed extension has been located so as to limit any impacts upon neighbouring properties by making the element as remote from them as possible.
- 15.2 Impact on Neighbouring Amenity
In determining whether the proposed extension would generate any unacceptable impacts, the tests described within Colchester Borough Council's Extend Your House SPD have been applied.

- 15.3 *26 Elmstead Road* – The proposed extension is directly adjacent to this property, although the two storey element is some 2m removed from the boundary meaning that it would not infringe a 45 degree plan line drawn from the nearest corner of number 26. Further neither the two storey or single storey elements of the proposed extension extend beyond 3m of the main rear wall of number 26, meaning that the proposed extension would not be unacceptably overbearing. In terms of levels of direct and ambient light reaching the property there should also be no unacceptable impacts given that the extension does not infringe a combined plan and section 45 degree overshadowing zone. Further the orientation of the buildings means that both properties should benefit from good levels of light, especially in the mornings. There should be no issues of overlooking as the two storey element does not propose windows in either side elevation. Windows could be prevented from being added at a later date by condition. With this amendment, number 26 should enjoy increased levels of privacy to the rear aspect of their property.
- 15.4 *22 Elmstead Road* – The proposed extension is some 6m removed from the nearest corner of this property and further the garage to the rear of number 22 also sits in-between. At this distance, any impact of the proposed extension should be very slight, indeed none of the tests outlined within the Extend Your House SPD to assess the overbearing, overshadowing or overlooking of the proposed extension are infringed.

- 15.5 Figure 1 below seeks to demonstrate diagrammatically why the extension at number 24 will not cause any significant loss of sunlight

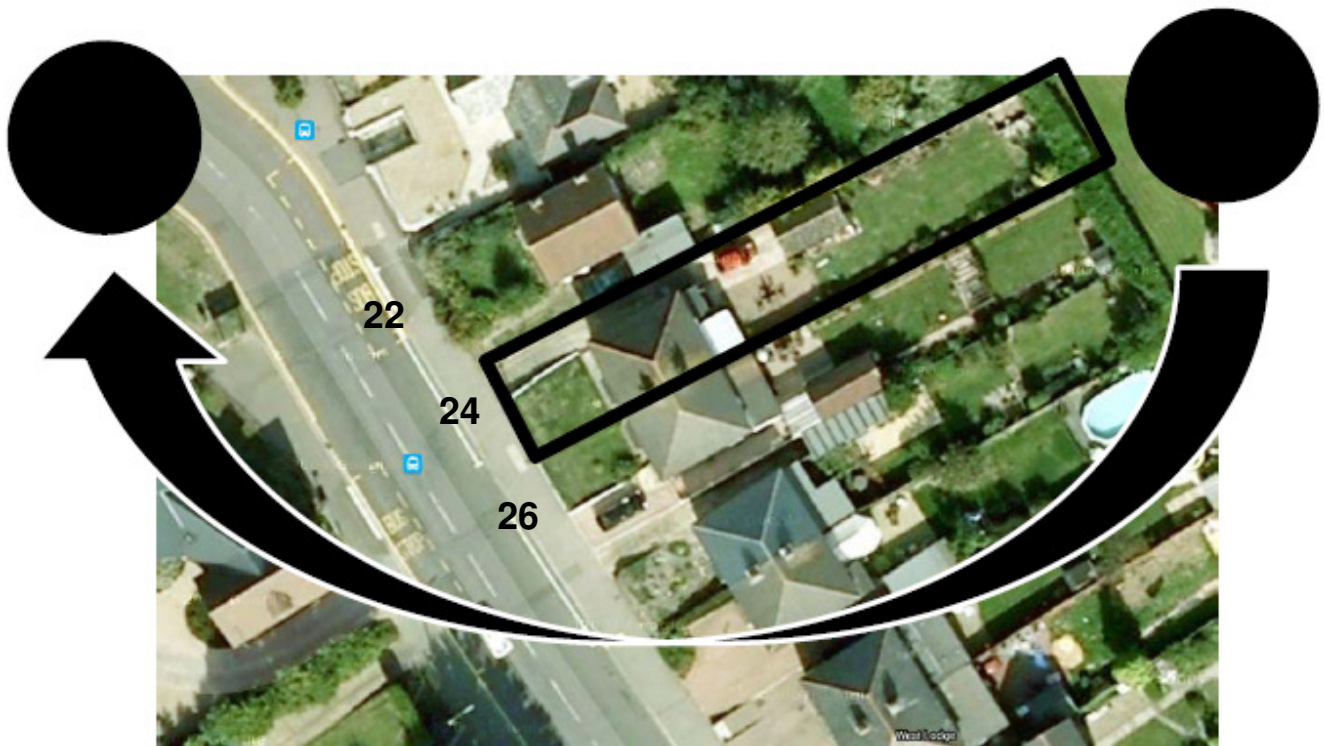


Fig 1: Movement of the sun in relation to no's 22, 24 & 26 Elmstead Road

Note that no. 26 will be unaffected by the proposed extension at no 24 because the latter lies to the north. Also note how in the photograph the main house and garage at no 22 cause shadowing of the patio area to that property during the afternoon. The distance from the boundary of the two storey extension and the distance between no 24 and 22 with the intervening garage to no 22 means that there can be little impact on daylight to the patio area of no 22.

- 15.6 Policy
The proposed extension accords with all necessary policies with no conflicts.

16.0 Conclusion

- 16.1 The only part of this application which requires planning permission is the two storey element as the single storey portion could be completed through permitted development rights. The design of the proposed extension is good and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the Extend Your House SPD has been infringed and no unacceptable impacts have been identified. It is considered that the representation against the scheme is dismissed. Officer recommends approval.

17.0 Recommendation

17.2 APPROVE subject to the following conditions below.

18.0 Positivity Statement

18.1 WA1 – Application Approved Without Amendment

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.

19.0 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 - 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, unless otherwise agreed, in writing, by the Local Planning Authority.

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

3 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Number A1-101503-8.

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

4 - 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) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, openings or other apertures shall be inserted in the first floor elevations of the rear extension hereby approved, except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

20.0 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.