



**Application No:** 151097

**Location:** 27 Elanore Road, Colchester, CO3 3RX

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

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**7.5 Case Officer: James Ryan      Due Date: 27/07/2015**

## **HOUSEHOLDER**

**Site:**                      **27 Eliaore Road, Colchester, CO3 3RX**

**Application No:**   **151097**

**Date Received:**   1 June 2015

**Applicant:**           Mr & Mrs North

**Development:**     Two storey rear extension with basement for private use.

**Ward:**                 Lexden

**Summary of Application:** Conditional Approval

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

1.1      This application is referred to the Planning Committee because it was called in by Councillor Roger Buston for the following reasons:

- a)      Loss of light and overshadowing to the neighbours Kitchen/Dining room and Patio
- b)      The reduction in privacy due to the extent of increased overlooking of their property
- c)      The potential impact the groundworks required to support the works contained within the Application will have on the neighbours land and property due to the close proximity to the border.

### **2.0      Synopsis**

2.1      The key issues explored below are the previous consents the site has enjoyed and the impact the scheme will have on neighboring amenity.

2.2      It is concludes that the scheme is acceptable and approval is recommended.

### **3.0      Site Description and Context**

3.1      The dwelling in question is an attractive detached two storey house on the corner of Eliaore Road and Fitzwalter Road. Due to the fall in land the dwelling has three storeys on the eastern flank but appears as a two storey building on the north elevation.

### **4.0      Description of the Proposal**

4.1      A two storey rear extension and terrace is proposed. The extension would be 3.6 metres deep and 8.4 metres wide. The eaves would sit at the same level as the existing. A basement level store is also proposed.

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential. The site is located within the defined settlement limits where development such as this is acceptable in policy terms.

## **6.0 Relevant Planning History**

- 6.1 In 2004 a similar scheme was approved (application number: F/COL/04/1115). In 2010 a scheme that is the same as the one currently before Members was approved (application number: 091405). This scheme was not implemented. Therefore the scheme is a resubmission, using the same plans, as 091405.

## **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  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

- Extending Your House?
- The Essex Design Guide
- External Materials in New Developments

## **8.0 Consultations**

- 8.1 Archaeology – No objection. Condition requested.

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

## **10.0 Representations**

10.1 One representation was received from the neighbours at 25 Elianore Road. In summary, this objected to the scheme on the following basis:

- Our site has changed materially since 2004.
- The scheme will cause a loss of light/overshadowing to our kitchen, dining room and patio.
- There will be a reduction in privacy due to increased overlooking.
- Concerns regarding the impact of the groundworks required to support the works.

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

## **11.0 Parking Provision**

11.1 The scheme will have no impact on the parking provision on the site.

## **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**

### Site History

15.1 As set out in the relevant section above, this scheme is the same as the scheme approved in 2010. This is an important material consideration. There have been no material changes on site since the approval of application 091405, nor have there been any fundamental changes in planning policy context. Therefore a refusal of the same scheme again would be unreasonable.

15.2 The neighbours note that there have been material changes on site since the application approved in 2004. That is accepted however the 2010 consent is far more relevant as it is far more recent.

### Design and Layout

- 15.3 The design is entirely in keeping with the character of the dwelling. It has picked up some of the design cues of the original. It is therefore acceptable in its setting.

### Scale, Height and Massing

- 15.4 The proposed extension has been designed to read as a continuation of the existing building. It is not subservient as is usually expected but in this instance the overall composition created is acceptable. This design was accepted in 2010 and there has been no policy change that would suggest it is unacceptable now. Therefore the scheme is acceptable in terms of its scale, height and massing.

### Impact on the Surrounding Area

- 15.5 As the design and scale of the proposal is considered to be acceptable, it is held that the scheme will not have a harmful impact on the surrounding area.

### Impacts on Neighbouring Properties

- 15.6 As a two storey extension this scheme will have an impact on neighbours, particularly at 25 Elianore Road. In terms of loss of light to the kitchen as noted by the neighbour, the scheme passes the 45 degree combined plan and elevation tests as set out by the Essex Design Guide and 'Extending your House?' SPD in relation to the nearest opening (that being the kitchen French windows in the extended element of number 25). It is therefore considered to be acceptable on that basis.
- 15.7 In terms of 'overbearing', the 'Extending your House?' SPD has two tests on page 8 relating to two storey proposals. This scheme does pass one of the overbearing tests on page 8 of the SPD as it does not project more than three metres plus one metre of side isolation from the boundary.
- 15.8 This scheme does not pass the imaginary 45 degree line drawn from the corner of the neighbouring building however, in this case the corner of number 25's side extension. This was also the case with the previously approved scheme and there has been no material change in relevant planning policy since the last approval. Due to the fall in land any oppressiveness felt from number 25's sitting out area would not be as pronounced as it would be if the dwelling sat at the same level as the neighbour. On that basis it is not considered that the two storey projection is materially harmful and in light of the previous consent a refusal due to oppressiveness is not warranted.
- 15.9 The neighbours also have concerns about overlooking. The proposed windows at first floor level are larger than that existing first floor windows however as they are pulled further down the garden they will only give views of the end of the garden and not the sitting out area near to the rear elevation of number 25. The scheme will not cause materially harmful overlooking to other neighbours.

- 15.10 The proposed ground floor side facing window serving as a secondary window to the kitchen will face towards the neighbour at 25's sitting out area, however as a ground floor window it is not considered to cause demonstrably harmful overlooking, in particular as the neighbours at 25 are in an elevated position compared to the dwelling on the application site.
- 15.11 The scheme also proposed a terrace. Due to the fall in levels this will not cause materially harmful overlooking to neighbouring dwellings. Number 25's patio is significantly higher than the existing terrace at 27 and actually affords good views directly down to the existing terrace. Any overlooking 'back and up' to this patio area from the proposed terrace is not considered to be materially harmful.

#### Other Matters

- 15.12 The neighbours noted concerns about the impact possible groundworks could have. This is not a planning matter but will be dealt with at building regulations stage.

### **16.0 Conclusion**

- 16.1 This scheme is the same as the scheme that was approved in 2010. There have been no material changes on site, nor have there been any material changes in planning policy since then. The scheme is not materially harmful to neighbouring amenity. The scheme is therefore acceptable and therefore an approval is warranted.

### **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 69-2008-03P, 69-2008-04P, 69-2008-05P 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 - 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

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

#### 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.