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Item No: 7.5

Application: 181313

Applicant: Mr and Mrs Mayers

Agent: Mr Andrew Feasey

Proposal: Proposed single storey side extension

Location: Lealands, Chapel Lane, West Bergholt, Colchester, CO6 3EF

Ward: Lexden and Braiswick

Officer: Chris Harden

Recommendation: Conditional 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 Barber on the grounds that “A resident has requested I call this in because of encroachment onto property and loss of parking spaces.”

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the proposed extension, as well as its impact on neighbouring amenity in terms of outlook, light and privacy. The extent of retained parking provision also needs to be assessed.
- 2.2 These matters are considered in the report and the application is subsequently recommended for approval. The design, scale and form of the proposed extension is considered to be visually acceptable. It is not considered that there would be a significant impact upon neighbouring amenity from an overbearing affect, loss of outlook loss of light or overshadowing. There would be no loss of privacy. Adequate parking provision for two cars would still be retained.

3.0 Site Description and Context

- 3.1 The site contains a detached single storey residential property within the settlement boundary of West Bergholt. There are detached neighbouring properties either side including the two storey dwelling of Fairview (to the south), the rear of which faces towards the proposed extension. The application site is at a lower level than Fairview. A two-storey property ‘Homecroft’ lies immediately north of the site. There is no site history that is particularly relevant to the decision regarding this proposed development.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a single storey side extension to the property on the Northern elevation which is the elevation facing towards Homecroft. The gable facing the neighbours would be 4.4 metres in width and the extension would be 1.9 metres closer to the boundary than the existing dwelling. It would have a ridge height of 4.8 metres which is approximately 0.1 m lower than the ridge of the existing dwelling.

5.0 Land Use Allocation

- 5.1 N/A

6.0 Relevant Planning History

- 6.1 No recent planning history of particular relevance to this case.

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
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies are not of relevance to this application.

7.5 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Managing Archaeology in Development.
West Bergholt Parish Plan & West Bergholt Village Design Statement

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.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that it has “no problem with the extension in principal, however it will result in the loss of one of the two parking spaces. The Council would therefore defer to Colchester Borough Council’s policy and their need to satisfy themselves with regards the loss of parking.”

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.

One neighbour has made the following objections:

- (i) Having just become aware of the planning application I am concerned with the extension imposing on my property, I would like to meet with the residents and the Planning Officer to mutually agree a solution.
- (ii) Single-storey extension includes the full height roof extension which encroaches considerably to the edge of my property and will put a large part of my garden in the shade.
- (iii) Architectural impact to my property does not appear to have been considered. It was surprising the original planning for the property was granted so close given the layout and number of windows in my property on that elevation. It has to be seen to be believed and invite you to visit.
- (iv) Extension would also reduce parking by one space which was an important issue with the original planning approval as there is limited parking in the area.
- (v) Given that Lealands is at a lower level the solution would be to have a flat roof or a lantern style glass roof you see on conservatories and other properties in the near vicinity, this would cause minimal impact.

11.0 Parking Provision

11.1 Two car parking spaces retained.

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 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

Principle

15.1 The site lies within a predominantly residential area where development such as that proposed is considered to be acceptable in principle and should be judged on its planning merits. The most significant planning issues are the design, scale and form of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy. The extent of retained parking provision also needs to be assessed.

Design, Scale and Form

15.2 In considering the design impacts of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.

15.3 The design, scale and form of the proposed extension is considered satisfactory on its own merits. The extension would relate well to the character of the existing dwelling with the same roof pitch and materials and detailing to match the existing dwelling. It would only extend 1.9 metres out from the dwelling and would still be set off the boundary, avoiding a cramped appearance. The extension would be set well back into the site, which reduces its impact in the street scene. It would also be adequately recessive, having a slightly lower ridge line. Overall, it is considered that the proposed extension would be visually acceptable and would not detract from the appearance of the original building. Consequently the design and layout does not harm the surrounding area either.

Impact upon neighbouring residential amenity

- 15.4 Development Plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part (iii) of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.5 The proposed development 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 the proposal satisfies this requirement. It is considered that the extension is far enough away from the neighbouring dwelling to avoid causing any significant overbearing impact, particularly as the application site is lower than the neighbouring site, is essentially single storey and would only be 1.9 metres closer than the existing dwelling.
- 15.6 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.
- 15.7 The comments of objection received from the neighbour have been carefully considered. However, it is not considered there is a justification to refuse the proposal on any overshadowing or loss of light impact for the above reasons, including impact upon the neighbour's garden area.
- 15.8 Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the Essex Design Guide. There would be a rooflight on the rear roof but this simply brings light into the extended living room and would be above head height.

Parking Provision

- 15.9 Lealands is a two-bedroom property. Development Plan policy DP19 and the Vehicle Parking Standards SPD require residential uses to have at least 2 car parking spaces for properties of two or more bedrooms. Two parking spaces of the required size for cars would be retained on site. This therefore accords with the adopted car parking standards. There is therefore not an objection on the grounds of loss of parking.

Other

- 15.10 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. Adequate amenity space would be retained on site. There would also be no impact upon vegetation of significance. There are also no archaeological implications.

- 15.11 It is not considered the proposal contravenes the provisions of the West Bergholt Parish Plan and the West Bergholt Village Design Statement which focus on the proportions and scale of new developments, good quality design, and ensuring minimum garden sizes; all of which are discussed in the main body of the report above.

16.0 Conclusion

- 16.1 To summarise, the design, scale and form of the proposed extension is considered to be visually acceptable. It is not considered there would be a significant impact upon neighbouring amenity from an overbearing affect, loss of light or overshadowing. Adequate (i.e. policy compliant) parking provision for two cars would still be retained.

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: 18_970 SP (Site Location Plan) 18_970 SP (Site Block Plan), 18_970 103 (Proposed Elevations), 18_970 102 (Proposed Floor Plans) received 18.6.18.

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

3. ZBA – 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.