

Planning Committee

Thursday, 06 October 2016

- Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)
- Substitutes:** No substitutes were recorded at the meeting

384 Site Visits

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, Loveland, J. Maclean and Scott attended the site visits.

385 Minutes of 15 September 2016

The minutes of the meeting held on 15 September 2016 were confirmed as a correct record.

386 161976 Hunters Rough, 18 Chitts Hill, Colchester

The Committee considered an application for the variation of condition 2 (Drawings) on planning permission 131538. (Demolition of two residential units and erection of 16 detached dwellings, garages and access road) at Hunters Rough, 18 Chitts Hill Colchester. The application had been referred to the Committee because it was a major application with a linking agreement and an objection had been received. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

387 161819 25 Elianore Road, Colchester

The Committee considered an application for a proposed single storey rear extension at 25 Elianore Road, Colchester. The application had been referred to the Committee

because it had been called-in by Councillor Barber. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Ishita Sheth, Planning Officer, presented the report and, together with James Ryan, Principal Planning Officer, assisted the Committee in its deliberations.

Lloyd North addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was of the view that the proposed extension failed to comply with the criteria set out in the Council's 'Extending Your Home' guidance and that the dimensions should be taken from the original rear wall of the dwelling rather than the existing rear wall. He explained that he had taken advice from solicitors who had confirmed to him that the proposal, if approved, would breach the Council's own policies. He also made reference to a similar application, the details of which he was familiar with, which he considered had been determined differently and led him to the view that policies were being interpreted inconsistently. He was also concerned about the proximity of the development to the boundary of his property as well as the height of the proposal which would be harmful to residential amenity, create an overbearing impact and visual intrusion.

Andrew Feasey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that an application had been submitted under permitted development rights which had been amended to a householder application. He was of the view that the proposal would not be harmful in planning terms and there would be no significant impact in relation to loss of light for the neighbour. He was further of the view that the proposal would create no overlooking to 25 Elanore Road but would enable the applicant to regain privacy to their own dwelling in relation to a side facing window at the neighbouring property which overlooked the applicant's garden.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He explained that he had been convinced by Mr North's assertions regarding the criteria set out in the 'Extending your Home' guidance and the legal advice which had indicated the guidance would be breached. He was concerned about the interpretation of 'main rear wall' as set out in the guidance and considered that the development would have an overbearing impact on the neighbour. He was not unsupportive of an extension in principle but considered more could have been done to involve the principal objectors in the process than had seemed to be the case.

In response to comments raised, the Planning Officer confirmed that the interpretation of the 'main rear wall' criteria had been made correctly and that the proposal did comply with both national policies and various relevant local standards and guidance. She explained that, in circumstances where the impact of a proposal can be adequately

assessed from the application site, it was not always necessary to visit neighbouring properties when assessing planning applications.

Members of the Committee sought an assurance regarding the contrary legal advice referred to by the objector but were generally satisfied that the application was one which was acceptable, particularly so having benefitted from visiting both the application site and the neighbouring premises.

The Principal Planning Officer confirmed that the 'Extending your Home' guidance was one of a suite of Supplementary Planning Documents (SPDs) adopted by the Council to provide guidance in assessing the acceptability of planning applications. He confirmed that this guidance was one of a number which had, in recent years, been superseded by the Government's drive towards less restricted permitted development which, in many instances far exceeded the guidelines contained in the Council's SPDs.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

388 161930 83 Ernest Road, Wivenhoe

The Committee considered an application for proposed alterations and extensions at 83 Ernest road, Wivenhoe. The application had been referred to the Committee because the applicant was an employee of Colchester Borough Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

389 161860 9 Welshwood Park Road, Colchester

The Committee considered an application for a two storey side and rear extension, first floor extension with new roof and first floor habitable accommodation and single storey side extension involving removal of existing garage, new vehicular access, enlarging existing access and new carriage driveway to front at 9 Welshwood Park Road, Colchester. The application had been referred to the Committee because it had been called-in by Councillor Smith. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and, together with James Ryan, Principal Planning Officer, assisted the Committee in its deliberations.

Kent Stabler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained his concern regarding the impact of the proposal on his own property and was of the view that it was likely to mean that his house would be made dark for most of the day. He appreciated that compromises had been made and the application had been amended in response to neighbour's concerns. However, he considered there remained a large number of concerns which remained. He referred to ambiguous information and discrepancies contained in the Committee report which led him to the view that the application may not have been assessed accurately. He considered Welshwood Park Road had a particular rural character which should be preserved and was of the view that the 'boundary to boundary' proposal was detrimental to the rural street scene.

Jared Doouss addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he worked at Severalls Business Park and considered himself lucky, despite the property's current state of disrepair, to have been successful in purchasing the application site to enable him to create a home in an area with a wealth of character. The brief he had given to his architect was for a dwelling which would fit in with the existing surrounding area. Care had been taken with the proposed ridgeline of the dwelling so that it was broadly in line with neighbouring properties. He referred to amendments which had been made to the original plans to mitigate concerns raised by objectors, including the cropping of roof gable ends, removal of a balcony and barbeque area and inclusion of obscure glazing to side windows. He considered the amended proposals met all relevant planning requirements, fitted well with the surroundings and would add to the rich character of the area.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He acknowledged that this would be a finely balanced assessment of the application. The proposal was for the bungalow to be significantly extended but he gave credit to both the applicant and the objectors who had all sought to narrow their differences amicably. He was aware the Committee had undertaken a site visit and he considered the application merited due consideration by the Committee in the context of a public meeting and he welcomed the Committee's views.

In response to comments raised, the Planning Officer confirmed that, in order to preserve the amenity of the site, proposed conditions had been included which would provide for the retention of boundary hedging and trees. She acknowledged inaccuracies in the Committee report which had been corrected in the amendment sheet and confirmed that the aspect of the plot would mean that shadowing would not have a significantly detrimental impact on the neighbouring property. Whilst Welshwood Park Road contained an eclectic mix of dwellings, it was not a designated Conservation area and, as such, the proposed extension was considered to be acceptable. Many of the neighbouring properties were large which would mean that the proposal, on what was a very large plot, would not appear to be overbearing but would satisfactorily conform to

the street scene.

Members of the Committee welcomed the concessions which had been made by the applicant and considered the proposal had been well thought through and would contribute positively to the street scene. The proposed condition to remove permitted development rights for the installation of side windows above ground level was considered acceptable and sufficient.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet.