

**7.4 Case Officer: Bruce O'Brien      Due Date: 07/11/2016**

**HOUSEHOLDER**

**Site:**                      **64 Kingsland Road, West Mersea, Colchester, CO5 8AH**

**Application No:**   **162372**

**Date Received:**   12 September 2016

**Agent:**                 Mr Peter Tyler

**Applicant:**           Mr C Richardson

**Development:**      Variation of condition 2 of planning permission 151820, to permit amended elevations.

**Ward:**                  West Mersea

**Summary of Recommendation:** Conditional Approval

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

- 1.1      This application is referred to the Planning Committee because the agent for the applicant is Peter Tyler. Mr Tyler works for Colchester Borough Council on a consultancy basis.

## **2.0      Synopsis**

- 2.1      The key issues explored below are concerned with the detailed design of the elevations of a new dwelling that was granted planning permission under application number 151820. The applicant has submitted amended drawings that will vary condition 2 of the approval, which specified that the dwelling should be constructed as per submitted plans.

## **3.0      Site Description and Context**

- 3.1      The application site relates to a rectangularly shaped plot on the western side of Kingsland Road. The character of the surrounding area is of mainly detached dwellings sitting within differently-sized plots. Directly adjacent to the northern boundary of the site runs a public footpath connecting Kingsland Road with Grove Avenue to the west of the application site. The application site is located within the defined development boundary for West Mersea, within a predominantly residential area.

## **4.0      Description of the Proposal**

- 4.1      The application is for amendments to all four elevations of the dwelling:

**Front Elevation-** Two number roof-lights to be installed. Changes to window details. The layout and frame sizes are relatively unchanged, though the casements within the frames are smaller in width.

**Rear Elevation-** Changes to French doors, one set with fixed side-lights. Amendments to casement windows, and one rooflight installed. Addition of five solar panels.

**North (side) Elevation-** Omission of ground floor window. Alteration to first floor windows.

**South (side) Elevation-** Additional solar panels to roof, from six to eight. Installation of a small window light to top of gable. Changes to window layout and casement sizes.

## **5.0 Land Use Allocation**

- 5.1 The site is located within the defined settlement limits and a residential area where development such as this is acceptable in principle.

## **6.0 Relevant Planning History**

- 6.1 An application for the erection of a detached dwelling was submitted (reference 151297), however, following discussions with the case officer this application was withdrawn prior to a formal decision being made. Subsequently a revised application, the subject of this variation of condition application, was approved (reference 151820).

## **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  
SD3 - Community Facilities  
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 There has been a comment from The Highways Authority. It has no objection to this proposal.

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 The Parish Council have stated that it cannot comment as the plans are incomplete.

## **10.0 Representations**

- 10.1 There has been a neighbour objection relating to the addition of windows to the loft and the proposed increase in height of the proposed dwelling.

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

## **11.0 Parking Provision**

- 11.1 Parking provision will remain unaltered.

## **12.0 Open Space Provisions**

- 12.1 This scheme raises no concerns regarding open space.

## **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**

### Design and Layout

- 15.1 The layout and design of the windows alters slightly as a result of the proposals. These minor changes make little difference to the overall concept of the scheme and are deemed acceptable. The addition of roof-lights could be carried out under permitted development and these are reasonable proposals. More solar panels are proposed. The original scheme was approved with solar panels to one elevation, and given that the newly proposed solar panels are to be hidden to the rear of the dwelling, this is not considered to be harmful to the scheme.
- The window to the pitched section of the gable on the South side elevation will be conditioned to be obscure glazed and non-opening below 1.7 metres above finished internal floor level.

### Scale, Height and Massing

- 15.2 The height of the proposed dwelling will be increased from 7.5 metres to 8 metres, in order to accommodate loft space, which, presumably, will be used for living space in the future. The creation of a three bedroom dwelling rather than two-bedroom will affect neither the parking nor the private amenity space requirements of the dwelling. Enough provision for both will be retained.

### Impact on the Surrounding Area

- 15.3 The design alterations are not significant enough to create any further impact on the surrounding area.

### Impacts on Neighbouring Properties

- 15.4 In terms of overbearing or overshadowing, the slight raise in roof height will not affect the neighbouring dwellings

### Amenity Provisions

- 15.5 A window in the roof space will be created towards the ridge of the southern gable end. In order to avoid any overlook possibilities, this window will be conditioned to be obscure glazed and non-opening below 1.7 metres above finished internal floor level.

### Highway Issues

- 15.6 The Highway Authority has not objected to the proposal. Parking provision remains adequate for a two or three bedroom dwelling.

## **16.0 Conclusion**

- 16.1 The concept of this dwelling has previously been approved. It is considered that the changes to the fenestration and the height of the dwelling are relatively minor and would not cause harm to the amenity of the neighbouring dwellings or the character of the surrounding area.

## **17.0 Recommendation**

17.1 **APPROVE** subject to the following conditions

## **18.0 Conditions**

### **1 - \*Removal/Variation of Condition(s) Approval**

With the exception of condition 2 of Planning Permission 151820 which is hereby varied to allow changes to fenestration, insertion of rooflights and solar panels, the requirements of all other conditions imposed upon planning permission 151820 remain in force and shall continue to apply to this permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

### **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 644-2 Rev F and 644-1 Rev G.

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

### **3 - \*Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)**

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the window within the pitched section of the South facing gable end shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity, below the height of 1.7m from internal finished floor level, 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.

## **19.0 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) 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 and be investigated by our enforcement team. **\*\*Please pay particular attention to these requirements\*\***. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

## **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.