



**Application No:** 152042

**Location:** Land Adjacent to, 39 Harvey Crescent, Stanway, Colchester, CO3 0QW

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

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**7.3 Case Officer: Eleanor Moss    Due Date: 19/11/2015**

**MINOR**

**Site:** Land adj. 39 Harvey Crescent, Stanway, Colchester, CO3 0QW

**Application No:** 152042

**Date Received:** 24 September 2015

**Agent:** Robert Pomery Planning Consultants Ltd

**Applicant:** Mr Lee Holohan

**Development:** Erection of detached 3 bedroom dwelling and parking

**Ward:** Stanway

**Summary of Recommendation:** Refusal

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

- 1.1 This application is referred to the Planning Committee because Councilor Sykes considers the application should be referred to the Committee on the grounds of the potential impact on the street scene and the previous planning history in relation to the site. Councilor Sykes has not formed an opinion on the application.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the impact of a new residential dwelling upon the street scene of Harvey Crescent and residential amenity.
- 2.2 It is explained that this application follows an earlier refusal for a similar scheme and that pre-application advice has been that this proposal is unacceptable.

## **3.0 Site Description and Context**

- 3.1 The site is a plot of land that appears to have been the garden of 39 Harvey Crescent. The site is currently open and rough grassed. To the north is the rear garden of number 39, to the east a grassed verge and the highway of Harvey Crescent. To the south is a footpath that links Harvey Crescent with Holly Road with a garage block beyond. To the west are the wooden panel fences that form the boundaries with the rear gardens of dwellings in Holly Road

## **4.0 Description of the Proposal**

- 4.1 This applications seeks planning permission for the erection of the three bedroom detached dwelling within Harvey Crescent.

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 The application site has been subject to two recent planning applications:  
145104 - Refused  
146304 – Refused

## **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  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR2 - Built Design and Character  
TA5 - Parking  
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP12 Dwelling Standards  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP19 Parking Standards

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

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

Backland and Infill  
Vehicle Parking Standards  
Sustainable Construction  
The Essex Design Guide  
External Materials in New Developments  
Affordable Housing

## **8.0 Consultations**

- 8.1 ECC Highway Authority – No objection
- 8.2 Environmental Control had suggested informatives relating to Demolition and Construction and Contaminated Land.

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 raised no objections to the scheme.

## **10.0 Representations**

- 10.1 Four letters of support have been submitted in respect to this scheme.

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 application provides two off road parking spaces which satisfies parking standards

## **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**

### Background

- 15.1 Members are reminded that applications 145104 and 146304 were both refused. The first of these was for two apartments, the second for a three bedroom dwelling, slightly larger and pushed back further than, the proposal at hand.
- 15.2 These applications were dismissed out of hand for being entirely inappropriate, stating that it was fundamentally wrong to fill this corner site with a building.

- 15.3 Further pre-application advice was then sought on two occasions via the Council's pre-application procedure. On both occasions Your Officers advised against the proposals. The most recent of these (our reference 151242) showed an arrangement very similar to the one at hand (with some differences, such as the parking layout) and your Officers gave a firm view that:

*"I consider that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area."*

- 15.4 The position of your Officers is, thus, crystal clear – they will not support any dwelling in this location. This position has been reached after many hours of consideration and discussion, following which it has become obvious that no satisfactory development is achievable here.

#### Design, Layout and impact on surrounding area

- 15.5 Harvey Crescent contains strong, uniform rows of terraced houses, the majority of which are of the same age, design and materials. The most noticeable dwelling that is out of character with the cul-de-sac is number 39 itself due to its being of render construction. There is, however, a strong building line within the area which all of the plots comply with. Plot sizes are also identical, all of the properties are of equal size and characterised by long narrow rear gardens. The cul-de-sac is thus characterised by traditional dwellings and their uniform, mirrored, intimate layout. Positioned adjacent to numbers 39 and 45 are deliberately undeveloped areas and these are mirrored, thus creating two corner open spaces, which penetrate the otherwise tight development pattern to give views out and a contrast to the sense of enclosure which is created by the dwellings.
- 15.6 The application site concerns the open space adjacent to number 39. Although the proposed two storey dwelling appears to be fairly modest in size, the proposed dwelling and hardstanding would fill a large part of the site adjacent to the boundary and behind the strong building line. In addition, the proposed dwelling relates poorly to the traditional terraced houses and would appear alien to the character and layout of Harvey Crescent. The design of the detached dwelling would appear incongruous in the context of the traditional design so characteristic of the area. The proposal is thus contrary to Policy DP1: Design and Amenity (i) which requires new development to respect and enhance the character of the site, its context and surroundings and this is also reflected within the NPPF which requires development to have a strong sense of place. Furthermore, the Council's adopted Supplementary Planning Document (SPD) 'Backland and Infill' states that 'all infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours.' This is important in re-enforcing local character and ensuring the context of the street scene is not adversely affected.'

- 15.7 The SPD goes on to state that ‘the proposed building plot(s) should be of similar dimensions in size and shape to the existing plots in the immediate locality. Proposals that would lead to over-development of a site or the appearance of cramming will be resisted.’ Furthermore, the SPD sets out that ‘the layout should create a sense of place and integrate well with existing development. The site layout should reflect the original development of the area.’ This is particularly important in older established residential areas where there is a uniform plot layout and street scene.’ Policy UR2 of the Colchester Core Strategy and Policy DP1 of the Development Policies seek, amongst other things, to ensure development is of a high quality, relates well to its surrounding context and enhances the character of an area. In these respects they are consistent with the NPPF.
- 15.8 In this instance, the land adjacent to number 39 Harvey Crescent, as it is proposed, would result in a contrived plot which would be out of character with the shape and form of the plots surrounding the site. Based on the information submitted, it is demonstrated that a minimum of 100 square metres of private rear amenity space can be provided. However the resulting plot creates an out of keeping addition and a large portion of land would be used as hardstanding to accommodate sufficient parking. As such it is questioned if the resulting amenity space could be used effectively as a rear garden for any future occupiers. As a result of the limited size and awkward shape of the resulting plot, the provision of a two storey dwelling on this plot would result in a visually cramped appearance which is considered to lead to overdevelopment of this site.
- 15.9 Emphasis on landscaping has been submitted by the agent, but only a small amount of front garden space is realistically workable on site. One metre is required to plant and grow a hedge and some of the illustrated hedges within the coloured site plan are proposed within less than one metre. In addition, the tree illustrated on the front elevation would in reality create serious implications for the proposed parking and therefore it is much more realistic to assume that the frontage, and boundary treatments would be of concrete.
- 15.10 It is argued that the erection of a dwelling would be better use of the land rather than it currently stands. The erection of a dwelling would create a dominance of car parking to the front of the site in order to tick the boxes for park parking standards. There are many other avenues which could be explored in order to create a more pleasant corner, as the other corners of this cul-de-sac have achieved. The erection of a dwelling would create paraphernalia such as bins, cars, storage sheds, washing lines and so on rather than the landscaping which is suggested above, which is in any case unworkable and does not outweigh the harm of the proposal. Although the proposals include a very small area of landscaping to the front of the site, it is not consider that any scheme of landscaping would reduce the harm caused by a dwelling.
- 15.11 Consequently, the proposed house would not be well related to existing dwellings or the pattern of development. Furthermore, although the dwelling would neither be prominent in the street-scene, nor would it be hidden from public view, it would be seen through gaps between the existing houses, including along the proposed access, and would also be evident from Harvey Crescent and the public footpath to the site boundary. The proposal would appear incongruous and at odds with the surrounding area.

- 15.12 On the basis of the above, it is considered that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area.

#### Impact on residential amenity

- 15.13 The proposal would not overshadow any neighbouring windows although part of the rear garden of number 39 would be overshadowed. However, this would not be the garden closest to the existing rear elevation and so on balance would not be detrimental to amenity. The only windows that could overlook are the rear elevation rooflights. These are shown to have a sill height of 1.8 metres, so in theory there would be no overlooking. However, given the close proximity to the rear gardens (6 metres) of numbers 80 and 82 Holly Road, these may well experience the perception of overlooking from the rear gardens – where there is a greater expectation of privacy.

### **16.0 Conclusion**

- 16.1 It is considered that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area.

### **17.0 Recommendation**

- 17.1 REFUSE planning permission for the reasons set out below.

#### **1 - Non-Standard Refusal Reason**

The National Planning Policy Framework (NPPF) requires that developments '...establish a strong sense of place (and) are visually attractive as a result of good Architecture and appropriate landscaping'. It goes on to state that '...permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'. The National Planning Practice Guidance states 'Good quality design is an integral part of sustainable development' and goes on to state 'Local planning authorities are required to take design into consideration and should refuse permission for development of poor design'. These objectives are reflected in Colchester Borough Council's Local Development Framework, through Policy UR2 of the Core Strategy (December 2008 as revised 2014), and Policy DP1 of the Development Policies (October 2010) all of which require a high standard of design, an appropriate architectural approach and an enhancement in the character of an area. In this instance, Harvey Crescent contains strong, uniform rows of terraced houses, the majority of which are of the same age, design and materials. The most noticeable dwelling that is out of character with the cul-de-sac is number. 39 itself due it being of render construction, however there is a strong building line within the area which all of the plots comply with. Plot sizes are also identical, all of the properties are of equal size and characterised by long narrow rear gardens. The cul- de-sac is thus characterised by traditional dwellings and their uniform, mirrored, intimate layout. Positioned adjacent to numbers 39 and 45 are deliberately undeveloped areas and these are mirrored, thus creating two corner open spaces, which penetrate the otherwise tight development pattern to give views out and a contrast to the sense of enclosure which is created by the dwellings. The application site concerns the open space adjacent to number 39. Although the proposed two storey dwelling appears to be fairly modest in size, the

proposed dwelling and hardstanding would fill a large part of the site adjacent to the boundary and behind the strong building line. In addition, the proposed dwelling relates poorly to the traditional terraced houses and would appear alien to the character and layout of Harvey Crescent. The resulting proposed house would not be well related to existing dwellings or the pattern of development. Furthermore, although the dwelling would neither be prominent in the street scene, nor hidden from public view, it would be seen through gaps between the existing houses, from the public realm, including along the proposed access, and would also be evident from Harvey Crescent and the public footpath to the site boundary.

It is considered that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area.

## **19.0 Positivity Statement**

- 19.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development through its Preliminary Enquiry service (please refer to the Council's website for details).