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Item No: 7.3

Application: 170753

Applicant: Mr & Mrs Macaskill

Agent: Mr Potter

Proposal: Demolition of existing roof and chimney, rebuilding of roof with new roof dormers. New first floor front balconies and lifting beam. Red brick front facing elevation. New windows and door. External window and door alterations, and internal remodelling.

Location: 1-2 The Folly, Wivenhoe, Colchester, CO7 9DB

Ward: Wivenhoe

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This item is referred to the Planning Committee because Councillor Scott has called in the application following concerns expressed by the neighbour about the balconies. Concern is expressed that the lower balcony would block out light and views and cause noise problems, that there would be a loss of amenity for the neighbours and that neither balcony is appropriate for the location.

2.0 Synopsis

- 2.1 The key issues for consideration are the visual impact of the alterations upon the character of the Conservation Area and existing dwelling and also any impact upon neighbouring residential amenity.
- 2.2 Revised plans have amended the balcony and fenestration details. It is now considered that there would not be a significant detriment to neighbouring residential amenity, including from overlooking, an overbearing impact or loss of light caused by the balconies. The proposed alterations are also considered to preserve the character of the Conservation Area and existing dwelling. The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The existing dwelling is part of a lengthy terrace that faces the quayside and lies within the Wivenhoe Conservation Area. Its fenestration has previously been altered and the adjoining dwellings each have varying fenestration and roof heights. The agent states that the existing building is in a poor state of repair and in need of considerable refurbishment.

4.0 Description of the Proposal

- 4.1 The proposal is for the demolition of the existing roof and chimney and the rebuilding of the roof with new dormers. The roof would be raised 0.45 metres. New first and second floor balconies and a lifting beam would be also be added. The first floor balcony would be constructed of glass and would have a metal frame balustrade and a hardwood handrail. The front elevation would have red brick slips added as well as new doors and windows. To the rear there would be a new dormer window to allow the creation of an internal staircase plus the removal of two windows. Finally, there would be internal remodelling of the dwelling.
- 4.2 The original submission has been amended by reducing the length of the first floor balcony and giving it a curved shape in the interests of moving the balcony further from the neighbouring property and avoiding any significant overlooking. The second floor balconies have also been altered to now have a curved projection and the glass bricks in the proposed rear dormer have been replaced by a more traditional glazing arrangement. The extent of glazing on the first floor front elevation has also been reduced and given a more symmetrical appearance.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 There is no recent planning history for the site that is of particular relevance.

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
DP20 Flood Risk and Management of Surface Water Drainage
DP23 Coastal Areas
- 7.4 Some "allocated sites" also have specific policies applicable to them. There are no adopted Site Allocations (adopted 2010) policies that are of specific relevance to this application.
- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
External Materials in New Developments
Sustainable Construction
Managing Archaeology in Development.
Wivenhoe Town Plan and Executive Summary

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.
- 8.2 The Conservation Officer states: "The host site is a site that could accommodate balconies if the design is right. The effect on the character of the conservation area must be considered as required under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990." Initial concern was expressed

about the glass blocks to the rear and the wide openings at the front (since amended). On balance, the glass balcony was accepted subject to the other alterations being made and appropriate detailing provided.

9.0 Parish Council Response

- 9.1 The Town Council has stated the following: “The most noticeable features are that it appears to be a considerable extension on a small plot and incorporates balconies that may intrude on privacy the building is close to, or in a conservation area the proposed dormer windows will impact privacy and views of neighbours it would appear that a circular staircase has been proposed- is this permissible?

The entire proposal is a considerable re-modelling of the site - WTC would like time to consider what is proposed in more detail and to consult with the appropriate bodies given the buildings location in a historic part of the town especially as the external appearance will be changed significantly.”

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.

- 10.2 One letter of objection has been received which makes the following observations:

- (i) I am a neighbour to No 1 The Folly and I did not receive notification regarding planning application COL170753 and request my objections to be taken into account despite the consultation expiry date having passed. My objection is that the proposed balconies adjacent to my first and second floor bay windows have shuttering at their ends which block my view along the Folly and the Quay.
- (ii) It would also allow those using the balcony to see directly into my home, therefore invading my privacy.
- (iii) I consider the proposed design to be inappropriate and flashy and not in keeping with the surroundings.

- 10.3 Five letters of support have been received which make the following points:

- (i) As a neighbour I support the proposal and would particularly like to address the comments from the local WTC. There IS no extension or enlargement of the 'foot print' of the property except for the addition of balconies.

- (ii) Given that there are now balconies on many Quay-front properties, both existing and new, these would be very much in keeping with the varied changes that have taken place in the Folly and along the Quay in the last 70 years or so. The WTC refer to the 'historic' nature of the Conservation Area, but this particular property was crudely re-developed in the 1960's and this proposal will be a timely 21st century upgrading of a neglected building and will much enhance its appearance. The red brick will match nicely with my house.

- (iii) The WTC have seen fit to comment, beyond their remit, on the spiral

staircase, which is entirely a matter of building regulation and in a non-listed building not even a matter for Planning.

(iv) Not necessary for the process to be delayed by granting the WTC time to 'consult further' on a matter that should be solely within the remit of Colchester Borough Planning and would recommend this application be approved.

(v) Have a property very close to site and I am very supportive of this planned renovation. House has been very neglected over the past decade or more and is in urgent need of renovation and structural modernisation. Style of the proposed modernisation is not out of keeping with the rather diverse range of styles nearby.

(vi) Designs would be very much in keeping with the interesting mix along the Folly and The Quay in Wivenhoe. Most recent houses and new builds such as The Oyster Catchers in the dock area and No.5 The Folly have balconies. It is now perfectly acceptable to want to enhance the owners' views and create pleasant planting areas.

(vii) The external proposals follow the successful ideas used and approved for the two most recently built or renovated buildings, namely the house next door to the east and two doors away in the westerly direction, notwithstanding countless houses and flats on the most recent developments. An enhancement to The Folly .

11.0 Parking Provision

11.1 Unchanged

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

15.1 The Principle of Development: The site lies within the physical limits and Conservation Area so the proposal should be judged on its planning merits having particular regard to the impact upon the character of the existing dwelling and Conservation Area as well as any potential impact upon neighbouring residential amenity.

- 15.2 Design Alterations and Visual Impact: The revised proposal is now considered to be in keeping with the character of the Conservation Area and would represent a visual improvement compared to the appearance of the existing dwelling. There are other balconies on dwellings in the vicinity and numerous other balconies on nearby buildings, some of which have glass balcony panels similar to the application proposal.
- 15.3 The balcony is of relatively simple form and the glass panels will enable it to sit quietly on the property whilst maintaining views of the front of the dwelling. The change in fenestration behind the main balcony has been reduced in width compared to the original submission and is considered to represent a visual improvement compared to the existing 1960's style windows.
- 15.4 Similarly the second-floor balconies are considered to represent a visual improvement compared to the existing flat-roofed 1960's dormers. They have a more vertical emphasis and visually tie in well with the vertical fenestration and dormer. Their curved roofs would reduce their prominence whilst adding an interesting feature. The curved design of the first and second floor balconies is considered to be visually acceptable in this context and helps reduce the overall size of the dormers whilst having benefits in terms of neighbouring residential amenity (which will be discussed below).
- 15.5 The raising of the roof is considered to be visually acceptable and would not result in the loss of any fabric of historic significance. The roofs of dwellings in the terrace vary in height so the slight raising of the roof on this dwelling would not be out of keeping with the character of the terrace or neighbouring properties and would not detract from the character of the Conservation Area. It is not considered that the removal of the chimney would be visually inappropriate or result in the loss of a feature of any significant historic interest. The red brick slips to be added would also be visually acceptable in this context.
- 15.6 With regard to the alterations to the rear of the property, the dormer serving the stairwell is considered to be visually acceptable now that the reference to glass blocks has been omitted. The smaller rear dormer is a visual improvement on the 1960's style dormer it replaces. The internal alterations proposed do not require planning permission.
- 15.7 Overall, the alterations to the dwelling are considered to preserve or enhance the character of the Conservation Area and would result in a visual improvement to the existing dwelling. It is not considered that there would be any impact upon the setting of Listed Buildings that lie some way away to the West near Bethany Street.
- 15.8 Impact Upon Neighbouring Residential Amenity: The proposed first floor balcony has been amended by moving it further from the neighbouring properties either side, putting the end shutters inside and being constructed in a sweeping curve shape. The ends of the dormer are now a lot narrower and this, combined with the dormer being further from neighbouring property, is considered to overcome the potential overlooking concerns that the originally submitted scheme raised.

15.9 With the shutters now folding inside the host dwelling and the balcony being glass and further away, it is also not considered there will be any significant loss of view or overbearing impact upon the neighbouring dwellings. It is not considered there will be any significant overlooking from the window alterations to the rear - there are already rear-facing windows on that elevation. The larger of the rear dormers serves a stairway.

15.10 Other Matters: There is no impact from the scheme upon private amenity space or parking provision. There are also no archaeological or wildlife implications.

15.11 With regard to flood risk issues, whilst the site lies within Flood Zone 3, the floor level of the dwelling is proposed to be no lower than currently exists so the proposal will not increase the flood risk at the property. The property has been in use as a dwelling for many years.

16.0 Conclusion

16.1 To summarise, the proposed works are considered to be visually acceptable, would preserve and enhance the character of the Conservation Area, would improve the appearance of the dwelling and would not have any significant detrimental impact upon neighbouring residential amenity.

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 01 received 24/3/17, 03E received 12/6/17.

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

3. ZBC - *Materials to be Agreed

Notwithstanding the submitted details, no works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used, including the solar tiles, in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. Z00 – Design Details

Prior to commencement of the relevant individual works, precise details of the following (1:20 where applicable) shall be submitted to and agreed in writing by the Local Planning Authority.

- (i) Windows and doors
- (ii) Balconies, including balustrades and handrails
- (iii) Dormer cheeks and dormer eaves
- (iv) Lifting beam

Only the approved details shall be implemented.

5. Window and Door Materials

The materials and finishes to be used for the external windows and doors shall be as per the submitted details and shall thereafter be retained as such.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

6. Rooflights

The rooflights hereby approved shall be of the “conservation” type with a single vertical glazing bar and mounted flush with the roof slope.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

7. Works of Making Good

Within two months of the works being completed, all external adjoining surfaces which have been disturbed by the works shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new works.

Reason: In order to preserve the character of the Conservation Area.

Informatives

Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

18.1 The following informatives are also recommended:

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.

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 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 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.

ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.