



Application No: 151946

Location: 44 Blue Road, Tiptree, Colchester, CO5 0TX

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2015

7.3 Case Officer: Eleanor Moss Due Date: 20/11/2015

HOUSEHOLDER

Site: **44 Blue Road, Tiptree, Colchester, CO5 0TX**

Application No: **151946**

Date Received: 7 September 2015

Agent: Roderick Lee Design Associates

Applicant: Mr Robert Hill

Development: Proposed rear single storey extension to existing dwelling.

Ward: Tiptree

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 applicant is an employee of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the proposed extension upon the surrounding area and neighboring amenity.

3.0 Site Description and Context

- 3.1 The application site is a detached property accessed via the unadopted road of Blue Road. To the rear of the site is a long rear garden. The site is bordered by the gardens of Brading Villa and 42 Blue Road. There is a boundary fence (approximately two metres high) and a number of conifer trees to the north west of the site. To the rear of the garden is a recently erected shed.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the erection of an annexe and a rear extension in order to provide care accommodation for an elderly relative, with an extended kitchen and family room on the ground floor.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 F/COL/99/0923 – detached garage and conversion of existing garage into dining room. Approved 20th July 1999.

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
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 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:

Extending Your House?
The Essex Design Guide

8.0 Consultations

8.1 None received at the time of writing

9.0 Parish Council Response

9.1 The Parish Council has stated that the proposal creates overdevelopment of the site and a loss of amenity to neighbouring properties

10.0 Representations

10.1 Four letters of objection have been received in relation to the proposal. The main issues raised are summarised as:

- Loss of light to 46 Blue Road
- Tunnel effect to 46 Blue Road
- Overdevelopment and oversized

- Impact upon neighbouring privacy and residential amenity
- Concerns regarding drainage system
- Disruption and noise
- Closed-in affect to 46 Blue Road
- Amounts to a new dwelling
- Effect upon neighbouring outlook
- Concerns regarding impact upon un-adopted access road

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 proposal does not affect parking provisions on site which are within the 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

Principle of development

- 15.1 The application site is located within a well-established residential area of Blue Road. For annexes within residential areas, the proposed annexe must retain some form of dependence upon the main dwelling, must not incorporate facilities which could make the annexe capable of performing as a separate dwelling and be physically attached to the main dwelling.
- 15.2 Following amendments to the scheme, the proposed floor plans indicate that the annexe, the subject of this application, would not represent a self-contained unit given that there are no kitchen facilities within the structure. It is noted that in addition to a bedroom and bathroom facilities, there is a generous sitting room and therefore, in the event consent for the proposed development is granted, a condition should be imposed which prohibits the installation of kitchen facilities within the proposed development. This is to ensure that there remains some reliance upon and interconnectivity with the main house given that the Council seeks to resist annexes within rear gardens that amount to new dwellings.

- 15.3 The proposed annexe demonstrates connectivity to the main dwelling, having removed the independent access and kitchen, thus the future occupier will have to depend upon the main dwelling to gain access to the annexe and to carry out functions such as creating a meal. While it is considered unlikely that the proposed annexe could become a dwelling within its own right due to this interconnectivity, it would still be reasonable to condition the use as ancillary to the main dwelling.

Height, scale and massing

- 15.4 This application has been amended from its original submission, in that the kitchen facility has been removed, therefore allowing the structure to be reduced in depth and height (from 16.1 metres to 11 metres in depth and 3.1 metres to 3 metres in height).
- 15.5 The proposed rear garden is substantial enough to support an annexe of this size and therefore is considered to be a reasonable size in relation to the site. It has been noted that the proposed annexe is intended to care for an elderly relative and has been designed so as to comply with wheelchair turning standards and as such it would be unreasonable to reduce the size of the proposed annexe. On the basis that the proposed development can easily be supported by the existing rear garden and still retain enough garden amenity space for the enjoyment of the dwelling, the proposal is not considered to be an overdevelopment of the site.

Impact upon neighbouring amenity

- 15.6 The proposed annexe contains windows and doors which face towards the neighbouring property of 42 Blue Road. The proposal is single storey in nature and therefore would not offer any windows at first floor level which could overlook the protected sitting out areas of number 42. The neighbouring property contains one first floor window upon the closest side elevation to the application site, however this serves a hall and is obscure glazed and therefore would not be impacted upon.
- 15.7 The neighbouring property of number 46 Blue Road is staggered to the west of the application site, although this neighbour would be able to partially view the proposed annexe, there are no proposed windows (at ground floor or first floor) so there would not be an unsuitable level of overlooking to number 46.
- 15.8 The proposed annexe is sited along the western boundary, adjacent to the garden area for Brading Villa. This property is a large detached dwelling with a generous amount of garden plot. The proposed annexe offers no views to Brading Villa and is well-screened, thus offering protection of residential amenity to this dwelling.
- 15.9 Concerns have been raised regarding disruption and noise, while it is accepted that the proposal would result in an additional structure within the rear garden which will be used and occupied on a regular basis, the level of movements between the proposed annexe and the main dwelling would not be of an increased frequency or of a high enough frequency to impose any detrimental impacts in terms of noise and disturbance. Furthermore, given the single-storey height of the proposal, there are no windows which could directly overlook the neighbouring properties. In summary, no material harm to the neighbouring properties can be identified with regards to overlooking or loss of residential amenity.

16.0 Conclusion

- 16.1 Overall, it is concluded that the proposed development would not have a detrimental impact on the character and appearance of the area and would result in limited impacts upon residential amenities of the neighbouring occupiers. There would be demonstrable dependence of the proposed annexe on the main house and on this basis, the proposed development is considered acceptable.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - 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 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Number 465/01B.

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

3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

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

4 - Non-Standard Condition/Reason

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 44 Blue Road.

Reason: For the avoidance of doubt as to the scope of the permission, as this is the basis upon which the application has been submitted and subsequently considered and any subdivision of the site into independent units would require the careful consideration against the current policies of the Local Planning Authority at such a time as any proposal were to come forward as the annexe is constrained by the site characteristics and may not be satisfactory as a stand-alone dwelling.

5 - Non-Standard Condition/Reason

The annex hereby permitted shall not contain a kitchen or cooking facilities.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

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.

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.