



Application No: 162242

Location: 11 Tumulus Way, Colchester, CO2 9SD

Scale (approx): 1:1250

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7.2 Case Officer: Eleanor Moss Due Date: 04/11/2016

HOUSEHOLDER

Site: **11 Tumulus Way, Colchester, CO2 9SD**

Application No: **162242**

Date Received: 9 September 2016

Applicant: Mr Matt Armstrong

Development: Movement of existing fence line to site boundary line. Laying of an extended block paved driveway on existing driveway and part of side garden.

Ward: Shrub End

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 Councilor Chaplin has requested Committee determination for the following reasons:

Amenities protection of light / outlook (visual impact)
Parking provisions with neighbouring plot

It is also with noting the applicant is an employee of Colchester Borough Homes as Head of Asset Management.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the boundary fence upon highways safety, the character of the area and neighbouring amenity. The application also seeks planning permission for the extension to the front driveway, however concerns have not been raised regarding this and thus the report will focus on the fence. The proposal is considered to be acceptable and therefore your Officer recommends approval.

3.0 Site Description and Context

- 3.1 Tumulus Way has a very open feel, with low front boundary treatments and wide verges alongside corner plot properties. As a corner plot, 11 Tumulus Way does include a wide verge (with some planting) that accords with this overall character. However, the relationship of this particular plot with the remainder of the residential estate is slightly different to other corner plot properties in that part of the side boundary is not clearly visible from public vantage points, being alongside a private drive.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for a new boundary fence of the site and the formation of an extended driveway.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 The property is part of a larger residential development (approved under references 91/0537, 96/0072, and 96/1398). Planning permission was granted for a rear conservatory to the property in 2005 (F/COL/05/0931) and a single-storey extension with garage conversion in 2012 (121201).

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:

Vehicle Parking Standards
Extending Your House?
The Essex Design Guide

8.0 Consultations

8.1 Highways Authority:

The Highway Authority observes that the location of the proposed fence-line lies adjacent to a private drive where the Highway Authority has no jurisdiction or control and therefore does not object to the proposals as submitted.

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 Not parished.

10.0 Representations

10.1 Two letters of objection were submitted following the consultation exercise, these are summarised as follows:

- Loss of grass area will stop cars being able to enter and exit No.10 in first gear
- Concerns regarding loss of light
- Negative visual impact
- Concerns regarding highways safety
- Currently no visibility when accessing the private drive which the proposal would increase the danger of using the driveway
- Concerns regarding increase of accidents and a child being struck down
- Concerns regarding hedgerow removal

10.2 The full text of all of the representations received is available to view on the Council's website. It is worth noting the objections raise concerns regarding the boundary fence, rather than the proposed driveway and photographs submitted by a neighbouring resident are available to view on the website.

11.0 Parking Provision

11.1 Car parking is compliant with car 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

Impact on residential amenity:

- 15.1 The proposal seeks to erect a boundary fence measuring 1.8 metres high. There is already a side fence and thus this proposal seeks planning permission to relocate the fence along the applicant’s boundary, which is adjacent to a private road and driveway belonging to No. 10 Tumulus Way. The proposal will involve moving the fence approximately 2metres closer to No. 10 Tumulus Way. Concerns have been raised from the neighbouring property regarding views of the boundary fence. However it is worth noting that there is no right to a view and thus this is not a material planning consideration. In terms of loss of light, as the fence measures 1.8 metres high and is adjacent to a driveway, any overshadowing would be exclusive to the driveway rather than the dwellinghouse of No.10 Tumulus Way. It is also worth noting that there is already a side fence at the application site, which No.10 has views of from the front elevation as well as views of a front driveway. The concerns raised by the neighbouring resident are noted. However, it is considered that moving the fence two metres closer to the front elevation of No. 10 and the creation of a front driveway would have a marginal impact on residential amenity and would not warrant a refusal.

Impact on Surrounding Area:

- 15.2 The application relates to the erection of a side boundary fence at No. 11 Tumulus Way. The fencing finish is to match the existing boundary fence. The positioning of the fencing at the side of the site means that it is not readily prominent within the street-scene, but there will be views of it from Nos. 10 – 7 Tumulus way, some more oblique than others. It is considered that the immediate locality is characterised by such boundary treatments and there are a number of properties within the locality which already contain some boundary works which match the proposal. The positioning of the side boundary adjacent to the private highway towards the northern end of the street ensures that the fencing is not viewed centrally within the street-scene but at a pre-existing visual terminus. As such, it is considered that any impact upon the street scene will be marginal.

Highway Safety:

- 15.3 The application site is located with a cul-de-sac where car speeds are very low. The neighbouring residents of No.10 Tumulus Way have raised concerns that the proposed side boundary fence would result in loss of access to parking and turning and that the road is inherently dangerous. As such, the Highway Authority has been consulted and raises no objections to the scheme. Additionally, were this situation inherently dangerous in this location, it would be reflected in the accident figures for this road. However, the information on the Essex County Council accident website shows that the private road at Tumulus Way has no reported accidents. The proposed

boundary fence would be located on the applicant's property, therefore would be no infringement on the private driveway nor would it result in the loss of parking at No. 10 Tumulus Way. The objection notes that cars overhang the applicant's grass verge in order to turn their vehicles. Whilst it is recognised that the neighbour will no longer be able to overhang their car in order to turn around, as noted above the fence does not transgress or impede the existing driveway. The described difficulties entering and exiting the site of No.10 is an existing problem, however the construction of a boundary fence does not warrant a refusal on highway safety grounds.

16.0 Conclusion

16.1 The design of the proposed fence and driveway is appropriate and would not result in a harmful impact upon visual or residential amenity. Highway safety has been fully assessed by the Highway Officer and he has not raised an objection. The proposed fence and driveway would not appear out of character in the street-scene or as an overly-prominent addition. Your Officer therefore recommends approval.

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 Site Plan.

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

3 - Non-Standard Condition/Reason

Materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

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.