



**Application No:** 161819

**Location:** 25 Elanore Road, Colchester, CO3 3RX

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

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## **7.2 Case Officer: Ishita Sheth**

## **HOUSEHOLDER**

**Site:** 25 Elanore Road, Colchester, CO3 3RX

**Application No:** 161819

**Date Received:** 25 July 2016

**Agent:** Mr Andrew Feasey

**Applicant:** Mr & Mrs Keane

**Development:** Proposed single storey rear extension.

**Ward:** Lexden & Braiswick

**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 it was called in by Councillor Lewis Barber because of the following:

Neighbour concerns that the proposed extension does not go off the original rear wall of 25 Elanore Road but from a previous extension. The result will be, alongside the higher ground of this house, an unreasonable detrimental impact upon the amenity of the home.

### **2.0 Synopsis**

- 2.1 The key issues explored below are the impact the scheme will have on neighboring amenity.
- 2.2 It is concluded that the scheme is acceptable and approval is recommended.

### **3.0 Site Description and Context**

- 3.1 The application site is located on the northern side of Elanore Road and is occupied by a two storey detached dwelling. The neighbouring dwelling to the east No. 27 has the provision of a two storey rear extension that extends some 3.65m beyond the rear wall of the application dwelling. The neighbouring dwelling to the west No. 23 has a two storey rear extension which extends some 1.8m beyond the rear wall of the application dwelling.

### **4.0 Description of the Proposal**

- 4.1 The proposal seeks to provide a single storey flat roofed rear extension having a maximum depth of some 6m, a width of some 9.8m and a maximum height of some 3.35m from the ground level. A roof lantern is proposed above the proposed flat roof of the extension.

## **5.0 Land Use Allocation**

5.1 Residential

## **6.0 Relevant Planning History**

6.1 None

## **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  
DP16 Private Amenity Space and Open Space Provision for New Residential Development

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 No statutory consultations were undertaken

## **9.0 Parish Council Response**

9.1 N/A

## **10.0 Representations**

10.1 1 neighbour has objected to the proposal and makes the following comments

- The plan to extend so close to the boundary (the extension being just 0.6 metres from the boundary) and approximately 7 metres beyond the main rear wall of our house is well outside the guidance within the CBC booklet, "Extending your home"
- Application no 161285 was indeed refused on our primary objection that part of the proposed extension was indeed not off the original rear wall of 25 Elianore Road but from the converted garage/extension.
- No objection to a further extension to 25 Elianore Road but that the proximity of the proposed extension to the boundary, coupled with the significantly higher ground level of 25 Elianore
- Road, meant that the proposal has an unreasonable detrimental impact upon the amenity of our home.
- To avoid repetition, we ask the council to have regard to the objections set out in our response to the previous application 161285 which can be seen on the Council's website.
- An extension that could be built under permitted development rights is the appropriate approach.
- Overshadowing
- Overbearing
- Visual intrusion
- Over-cramming and inharmonious design with house and area
- Overdevelopment of site
- Loss of residential amenity

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

## **11.0 Parking Provision**

11.1 There are no implications in respect of car parking provision.

## **12.0 Open Space Provisions**

12.1 There are no implications in respect of Open Space provisions

## **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**

- 15.1 The most significant planning issues are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.

The proposed extension is of a flat roofed design with a roof lantern above which is not of any architectural merit. However, by virtue of its location to the rear, it is not considered that the proposal would result in any detriment to the character of the area or the streetscene.

The proposed extension has a depth of some 6m which is considered to be significantly deep. However, consideration has been given to the relationship of the application dwelling to the neighbours and also on whether the proposed extension would result in significant harm to its immediate neighbours.

The proposed single storey extension would extend by some 2.35m beyond the existing two storey rear extension at the neighbouring dwelling to the east No. 27 and by some 4m beyond the two storey extension at the neighbouring dwelling to the west No. 23. It is not considered that the proposed single storey extension would result in any significant dominance or overshadowing issue to these neighbours.

Whilst a neighbour has raised concern about the proposal not being in compliance to the guidance in ‘Extending your Home’, it should be noted that the guidance refers to the ‘main rear wall’ of the dwelling and not the ‘original rear wall’. The main rear walls of the neighbouring dwellings are therefore the existing rear walls of the two storey extensions at the neighbours. An extension having a depth of 3m can be built right up to the boundary wall under the circumstances. The proposal would retain an isolation of some 0.65m from the eastern boundary and this is considered acceptable.

The proposed extension would extend some 4m beyond the rear wall of the dwelling at No. 23; however an isolation space of some 1m is proposed to the western boundary.

Overall it is therefore considered that the proposal meets the criteria as set out in the aforementioned guidance.

Whilst it is noted that the proposed extension cannot be carried out under permitted development rights, this only means that a formal planning application for the proposal is required and such development can still be approved based on a proper evaluation.

Furthermore, it should be noted that the dwelling at No. 27 Elianore Road currently extends at two storey level by some 3.6m beyond the rear wall of the application dwelling. The proposed extension would only extend by some 2.35m at a single storey level. Even if the elevated position of the application dwelling is considered, this would not be to an extent of a two storey extension.

Taking into consideration the above matters, it is not considered that a refusal on the basis of the extension being overbearing to the neighbours could be successfully sustained on appeal.

The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.

Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House SPD.

Additionally, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD.

The proposed development would still retain a garden area of some 270m<sup>2</sup> and it is not considered that the proposal is an overdevelopment of the site.

Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns.

## **16.0 Conclusion**

16.1 To summarise, the proposed development fully accords with the Council's policy requirements.

## **17.0 Recommendation**

APPROVE subject to the following conditions:

### **18.0 Conditions**

#### **1 - Non-Standard Condition/Reason**

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 - Non-Standard Condition/Reason**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 102 Rev C and 103 Rev A.

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**

The external facing and roofing 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.

### **(3) 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. 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**

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.