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**Item No:** 7.4

**Application:** 193009

**Applicant:** Mr Marc Carter

**Proposal:** Electric roller garage door (and motor) fixed to applicant's property to the front of carport - in accordance with and as advised by Crocodile. Sole purpose for the installation is to provide security for the family members (children) and to restrict access to the rear of the property.

**Location:** 83 Apprentice Drive, Colchester, CO4 5SE

**Ward:** Mile End

**Officer:** Simon Grady

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because the Applicant lives at the Application Site with a member of Colchester Council staff.

## **2.0 Synopsis**

- 2.1 This is a retrospective application for the installation of a roller garage door serving a car port at a dwellinghouse. The key issues for consideration are its impact on parking provision, neighbour amenity and its visual impact on the street scene.
- 2.2 These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 Apprentice Drive is located on the major development on the former Flakt Woods site off Bergholt Road in North Colchester, which was given planning permission in 2004. The property is a semi-detached dwelling built around 2010/2011 and located within the Myland Community Council area. The house is set close to the pavement with parking to the side with a fence to the rear of the parking to screen the back garden.

## **4.0 Description of the Proposal**

- 4.1 The application is for a roller garage door that was fixed to the front of the applicant's car port in June 2019 as an additional security measure.

## **5.0 Land Use Allocation**

- 5.1 Residential within the Central Colchester Settlement Area.

## **6.0 Relevant Planning History**

- 6.1 The original planning permission for the development was granted in 2004 (ref O/COL/03/1019) for the demolition of two dwellings and redevelopment of existing factory premises for mixed-uses comprising up to 750 dwellings (including a small number of 'live-work' units) with a minimum floorspace of 650,000 sq.ft. net gross internal area, 'local' shopping facilities, doctors surgery, creche, business incubator units, community facility, public open space together with a modified access onto Bergholt Road and footpath/cycleway to Three Crowns Road.
- 6.2 This permission included the removal of Permitted Development Rights.
- 6.3 In 2016 an Application (ref 160290) was made to reduce the size of the parking area to allow for a larger rear garden. The Application was approved.

## **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  
DP12 Dwelling Standards  
DP19 Parking Standards

7.4 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).

7.5 The Neighbourhood Plan for Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

7.6 Submission Colchester Borough Local Plan 2017-2033:  
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh

the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- EPOA Vehicle Parking Standards
- Myland Neighbourhood Plan

## **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 Highway Authority has no objection to this Application.

## **9.0 Parish Council Response**

9.1 Myland Community Council has objected to the garage door due to concerns that it is “out of keeping with the street character”. The Community Council also notes the loss of light to the side window of the neighbouring property.

## **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 An objection has been received from the father of the neighbour who expressed concerns that in the future the addition of another door to enclose the rear of the car port would mean the toilet window would not receive any natural light.

## **11.0 Parking Provision**

11.1 The off-street parking provided to the side of the house is approximately 10.5 metres long. This is slightly below the current parking standards (updated in 2007). The proposal will not affect existing parking arrangements, which is assessed at paragraphs 17.6 and 17.7.

## **12.0 Accessibility**

12.1 The addition of the garage door does not give rise to any concerns regarding discrimination or accessibility.

## **13.0 Open Space Provisions**

13.1 This Application does not affect Open Space provision.

## **14.0 Environmental and Sustainability Implications**

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 14.2 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.3 The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that the application represents sustainable development.

## **15.0 Air Quality**

- 15.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **16.0 Planning Obligations**

- 16.1 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.

## **17.0 Report**

### The Principle of Development

- 17.1 There are no concerns with the principle of introducing a garage door to a car port in this location. The door is slightly set back from the road and does not obstruct any important views, for example into the countryside.

### Impact on the Surrounding Area

- 17.2 Local Plan Policy UR2: Built Design and Character, promotes the importance of high quality and inclusive design in all developments to make better places and says that developments that fail to enhance the character, quality and function of an area will not be supported. It is considered that the design of the garage door does not have a negative impact on the character of the surrounding area. The Community Council has objected to this application based on the garage being out of character in the area. However, there are other garage doors of the same appearance close to the application site, which suggests that this garage door is not out of character for the area.

### Impacts on Neighbouring Properties

- 17.3 Local Development Plan Policy DP1: Design and Amenity, says that development proposals will protect existing residential amenity, particularly with regard to daylight and sunlight (amongst other things) and Local Development Plan Policy DP12 Dwelling Standards, says that new residential development will have regard to acceptable levels of daylight to all habitable rooms and both these policies are relevant to this application.
- 17.4 It is acknowledged that the garage door will have reduced the amount of natural light entering the neighbour's downstairs toilet, as commented in the 2 representations received. Natural light from the rear of the car port will still serve the toilet and as the room is not seen as a 'habitable room' it is not felt that this issue warrants refusing permission. The neighbour expressed concerns about the future addition of a door to the rear of the car port, which would form an enclosure, removing all natural light to the neighbour's downstairs toilet. This concern is noted, however, the Outline application did not remove permitted development rights for *the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure* (as set out in Schedule 2, Part 2, Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore, such a wall may be constructed without the need for express planning permission (subject to compliance with the afore-mentioned Order). As stated above, the window serves a downstairs toilet and this currently borrows light from the application site. Under these circumstances, it would be unreasonable to refuse permission due to the limited impact the garage door would have on the neighbouring window. In any case, this application has to be assessed on its merits and speculation regarding any potential future development on the site cannot be taken into consideration. Consequently, it is considered that the proposal is acceptable in this instance.
- 17.5 There are no other windows on the side elevation of the neighbour's dwelling and so the garage door does not affect daylight into any other rooms. It also does not over-shadow the neighbour's private amenity area.

### Parking Provision

- 17.6 The dwelling was built in accordance with the parking standards in place at the time. The subsequent approval in 2016 for a new fence reduced the size of the parking area to below adopted standards. As such, the property currently only benefits from one policy compliant parking space.
- 17.7 As the addition of the garage door has not reduced the size of the parking area, it is felt that there is no net loss of parking provision and the addition of the garage door is therefore acceptable. The Highway is not subject to parking restrictions and on-street parking is prevalent in this area.

## Myland and Braiswick Neighbourhood Plan

17.8 There is nothing in the Myland and Braiswick Neighbourhood Plan that contradicts the above assessment of this Application.

### **18.0 Conclusion**

18.1 To summarise, this retrospective application for planning permission for a new garage door does not materially affect neighbour amenity, the character of the area or current parking provision and is therefore an acceptable addition to the property.

### **19.0 Recommendation to the Committee**

19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

#### **1. ZAA - Time Limit for Full Permissions**

The development hereby permitted shall be retained in its approved form as shown on the submitted plans and photograph.

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.