



Application No: 152042

Location: Land Adjacent to, 39 Harvey Crescent, Stanway, Colchester, CO3 0QW

Scale (approx): 1:1250

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7.2 Case Officer: Eleanor Moss Due Date: 22/01/2016

HOUSEHOLDER

Site: **39 Harvey Crescent, Stanway, Colchester, CO3 0QW**

Application No: **152042**

Date Received: 24 September 2015

Agent: Mr Robert Pomery

Applicant: Mr Lee Holohan

Development: Erection of detached 3 bedroom dwelling and parking.

Ward: Stanway

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee following a deferral on Thursday 5th November 2015 in order to allow the applicant to produce a better a better design for the proposal.
- 1.2 The application was originally called in to Committee by Councilor Sykes on the grounds of the potential impact on the street scene and the previous planning history in relation to the site.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of a new residential dwelling upon the street scene of Harvey Crescent and residential amenity.
- 2.2 It is explained that this application follows an earlier deferral to a similar scheme, however the issues still remain from the previous applications and the scheme Members considered at Planning Committee dated 5th November 2015.

3.0 Site Description and Context

- 3.1 The site is a plot of land that appears to have been the garden of 39 Harvey Crescent. The site is currently open and rough grassed. To the north is the rear garden of number 39, to the east a grassed verge and the highway of Harvey Crescent. To the south is a footpath that links Harvey Crescent with a garage block and Holly Road. To the west are the wooden panel fences that form the boundaries with the rear gardens of dwellings in Holly Road.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the erection of a three bedroom detached dwelling within Harvey Crescent.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 The application site has been subject to two recent planning applications:

145104 - 2 new dwellings (apartments) and parking spaces, with an improvement to the access road and existing parking Refused 17th September 2014;

146304 – Erection of 1no. 3 bedroom dwelling to the land adj 39 Harvey Crescent. Resubmission of 145104. Refused

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
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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:

- Backland and Infill
- Vehicle Parking Standards
- The Essex Design Guide
- External Materials in New Developments

8.0 Consultations

8.1 ECC Highway Authority – No objection

8.2 Environmental Control had suggested informatives relating to Demolition and Construction and Contaminated Land.

8.3 Urban Designer – Objection:

Unfortunately, the latest scheme, like those before does not convince that it would not be unreasonably detrimental to the area and I would therefore have to recommend refusal. Whilst I would support the principle of a new property given the site area, I am sceptical as to whether a suitable scheme can be designed in practice given site constraints. In this respect an extension might provide a suitable fall-back position. A key constraint is car parking. The cul-de-sac already has parking related issues, including limited parking provision, front of plot and on-street parking over-dominating the street scene and awkward access into the corner plots (including to No.39). The proposal might unreasonably exasperate the problem. Another key issue is the potential overbearing, overshadowing and overlooking impact on immediate neighbours, primarily nos. 37, 39 and 41 Harvey Crescent and 80, 82 and 84 Holly Road, having regard to the Essex Design Guide (pp.69-75) and Colchester's Extending Your Home SPD (pp.7-13). Colchester's Backland and Infill Development SPD also provides policy guidance. The alleyway currently presents a visual constraint to the site's development, though a suitable development could help improve its outlook and self-policing. Another issue is the site's pre-existing character. Various proposals have sought to address the above issues, each offering pros and cons. This might not be considered wasted effort as these now act as options offering the ability to now reasonably assess the most acceptable solution. On reflection, I would have to object to options where the principal (long) elevation faces Crescent given this would result in car parking unreasonably dominating to the front of the property and further eroding the street's garden character, i.e. it would look a mess.

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 The Parish Council has raised no objections to the scheme.

10.0 Representations

10.1 Letters of support have been submitted from five parties in respect of this scheme, these are summarised as follows:

- The site would be transform from an unsightly patch of land
- A new dwelling could only add value to area
- Provide an additional home within a time of shortage of homes for a deserving family
- No concerns regarding parking as during the day Monday to Friday there are few cars parked within Harvey Crescent
- New design fits the area better
- Compliant with all policies for new development

10.2 One letter of objection was received; the comments are summarised as follows:

- Whilst the current application does represent amended proposals, these proposals are not sufficiently different to address the reasons from the previous two refusals
- The proposal is still non-compliant with a number of national and local planning policies
- The parking does not allow for egress from the site in forward gear
- Will raise the risk of conflict with pedestrians using the public footpath
- The 45 degree line, when measured from the window nearest to the boundary, would be infringed and therefore non-compliant
- The proposal will create a loss of light to neighbouring gardens
- Will impact upon the visual amenity of the neighbouring properties

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 application provides car parking spaces which comply 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

Background:

- 15.1 Members are reminded that applications 145104 and 146304 were both refused. The first of these was for two apartments, the second for a three bedroom dwelling, slightly larger and pushed back further than the proposal at hand.
- 15.2 These applications were dismissed out of hand for being entirely inappropriate, stating that it was fundamentally wrong to fill this corner site with a building.
- 15.3 Further pre-application advice was then sought on two occasions via the Council's pre-application procedure. On both occasions Your Officers advised against the proposals. The most recent of these (our reference 151242) showed an arrangement very similar to the one at hand (with some differences, such as the parking layout) and your Officers gave a firm view that:

"I consider that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area."

- 15.4 The position of your Officers was made clear at the Planning Committee dated 5th November 2015, in that they will not support any dwelling in this location. This position has been reached after many hours of consideration and discussion, following which it has become obvious that no satisfactory development is achievable here. Following on from the deferral, it was advised that revised drawings should be produced which reflected members comments, preferably multiple options to allow members to decide if an option is acceptable to them. Officers have not seen a design which is satisfactory and therefore refusal is still recommended.

Design, Layout and impact on surrounding area

- 15.5 Harvey Crescent contains strong, uniform rows of terraced houses, the majority of which are of the same age, design and materials. The most noticeable dwelling that is out of character with the cul-de-sac is number 39 itself due to it being of render construction. There is, however, a strong building line within the area which all of the plots comply with. Plot sizes are also identical, all of the properties are of equal size and characterised by long narrow rear gardens. The cul-de-sac is thus characterised by traditional dwellings and their uniform, mirrored, intimate layout. Positioned adjacent to numbers 39 and 45 are deliberately undeveloped areas and these are mirrored, thus creating two corner open spaces, which penetrate the otherwise tight development pattern to give views out and a contrast to the sense of enclosure which is created by the dwellings.
- 15.6 The application site concerns the open space adjacent to number 39. Although the proposed two storey dwelling appears to be fairly modest in size, the proposed dwelling and hardstanding would fill a large part of the site adjacent to the boundary and behind the strong building line. The proposed dwelling and hardstanding would fill a large part of the site adjacent to the boundary, especially as revised plans indicate that the widest part of the dwelling would be occupying the plot facing directly into the

Crescent. Although it is acknowledged that the revised scheme has attempted to resolve issues of the previous attempts, the proposed dwelling would be dominant, bulky and would create an impractical parking situation. The car parking would be unreasonably dominant to the front of the property, further eroding the street's garden character. The design of the detached dwelling would appear incongruous in the context of the traditional design so characteristic of the area. The proposal is thus contrary to Policy DP1: Design and Amenity (i) which requires new development to respect and enhance the character of the site, its context and surroundings and this is also reflected within the NPPF which requires development to have a strong sense of place. Furthermore, the Council's adopted Supplementary Planning Document (SPD) 'Backland and Infill' states that 'all infill development should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, form, materials, fenestration and architectural details of its neighbours.' This is important in reinforcing local character and ensuring the context of the street scene is not adversely affected.'

- 15.7 The SPD goes on to state that 'the proposed building plot(s) should be of similar dimensions in size and shape to the existing plots in the immediate locality. Proposals that would lead to over-development of a site or the appearance of cramming will be resisted.' Furthermore, the SPD sets out that 'the layout should create a sense of place and integrate well with existing development. The site layout should reflect the original development of the area.' This is particularly important in older, established residential areas where there is a uniform plot layout and street scene.' Policy UR2 of the Colchester Core Strategy and Policy DP1 of the Development Policies seek, amongst other things, to ensure development is of a high quality, relates well to its surrounding context and enhances the character of an area. In these respects they are consistent with the NPPF.
- 15.8 In this instance, a key constraint is car parking. Harvey Crescent already has parking-related issues, including limited parking provision, front of plot and on-street parking over-dominating the street-scene and awkward access into the corner plots (including to No.39). The proposal would unreasonably exacerbate the problem, and therefore result in an objection from the Urban Designer. There would be very little scope to enter and exit the plot adjacent to 39 Harvey Crescent within forward gear when accessing the site in private motor vehicle (or emergency and service vehicle), therefore resulting in an awkward relationship with the centre of the Crescent and potential risk issues to persons accessing the footpath (particularly at night). Although a number of parking layouts have been provided, it is not considered that any of these provide a suitable solution due to the existing constraints of the site. Another key issue is the potential overbearing, overshadowing and overlooking impact on immediate neighbours, primarily Nos. 37, 39 and 41 Harvey Crescent and 80, 82 and 84 Holly Road, having regard to the Essex Design Guide (pp.69-75) and Colchester's Extending Your House? publication (pp.7-13). As a result of the limited size and awkward shape of the resulting plot, the provision of a two-storey dwelling on this plot would result in a visually cramped appearance which is considered to lead to overdevelopment of this site.

- 15.9 Although landscaping has been proposed to soften the appearance of the dominating dwelling, amount of front garden space is realistically workable on site. The front of the site will be dominated by parking and therefore there is very little potential to create any landscaping which will enhance the site as at least a metre is required to plant hedging. It would be realistic to assume that the front of the site would be a sea of concrete to provide for parking.
- 15.10 It is argued that the erection of a dwelling would be better use of the land rather than it currently stands. The erection of a dwelling would create a dominance of car parking to the front of the site in order to tick the boxes for car parking standards. There are many other avenues which could be explored in order to create a more pleasant corner, as the other corners of this cul-de-sac have achieved. The erection of a dwelling would create paraphernalia such as bins, cars, storage sheds, washing lines and so on rather than the proposed landscaping, which is in any case unworkable and does not outweigh the harm of the proposal. Although the proposals include a very small area of landscaping to the front of the site, it is not considered that any scheme of landscaping would reduce the harm caused by a dwelling.
- 15.11 Consequently, the proposed house would not be well related to existing dwellings or the prevailing pattern of development. The proposal creates development which is car parking dominant and would create a negative and harmful impact upon the street scene. Furthermore, the proposed dwelling would be prominent within the street scene, it would be seen through gaps between the existing houses, including along the proposed access, and would also be evident from Harvey Crescent and the public footpath to the site boundary. The proposal would appear incongruous and at odds with the surrounding area.
- 15.12 On the basis of the above, it is considered that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area.

16.0 Conclusion

- 16.1 It is considered that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area.

17.0 Recommendation

- 17.1 Refused planning permission for the reasons set out below:-

1 - Non-Standard Refusal Reason

The National Planning Policy Framework (NPPF) requires that developments '...establish a strong sense of place (and) are visually attractive as a result of good Architecture and appropriate landscaping'. It goes on to state that '...permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'. The National Planning Practice Guidance states 'Good quality design is an integral part of sustainable development' and goes on to state 'Local

planning authorities are required to take design into consideration and should refuse permission for development of poor design'. These objectives are reflected in Colchester Borough Council's Local Development Framework, through Policy UR2 of the Core Strategy (December 2008 as revised 2014), and Policy DP1 of the Development Policies (October 2010) all of which require a high standard of design, an appropriate architectural approach and an enhancement in the character of an area. In this instance, Harvey Crescent contains strong, uniform rows of terraced houses, the majority of which are of the same age, design and materials. The most noticeable dwelling that is out of character with the cul-de-sac is number 39 itself due to it being of render construction, however there is a strong building line within the area which all of the plots comply with. Plot sizes are also identical, all of the properties are of equal size and characterised by long narrow rear gardens. The cul-de-sac is thus characterised by traditional dwellings and their uniform, mirrored, intimate layout. Positioned adjacent to numbers 39 and 45 are deliberately undeveloped areas and these are mirrored, thus creating two corner open spaces, which penetrate the otherwise tight development pattern to give views out and a contrast to the sense of enclosure which is created by the dwellings. The application site concerns the open space adjacent to number 39. Although the proposed two storey dwelling appears to be fairly modest in size, the proposed dwelling and hardstanding would fill a large part of the site adjacent to the boundary and behind the strong building line. In addition, the proposed dwelling relates poorly to the traditional terraced houses and would appear alien to the character and layout of Harvey Crescent. The resulting proposed house would not be well related to existing dwellings or the pattern of development. Furthermore, although the dwelling would neither be prominent in the street scene, nor hidden from public view, it would be seen through gaps between the existing houses, from the public realm, including along the proposed access, and would also be evident from Harvey Crescent and the public footpath to the site boundary.

It is considered that the development of this site, despite being located within the defined development boundary, is unacceptable as the principle of erecting any new dwelling, regardless of its size or design would be likely to harm the character, nature and appearance of the area.

19.0 Positivity Statement

- 19.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development through its Preliminary Enquiry service (please refer to the Council's website for details).