



**Application No:** 161099

**Location:** Land at 23 Belle Vue Road, Wivenhoe, Colchester, CO7 9LD

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

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**7.7 Case Officer: Chris Harden Due Date: 13/07/2016**

## **MINOR DWELLINGS**

**Site:** 23 Belle Vue Road, Wivenhoe, Colchester, CO7 9LD

**Application No:** 161099

**Date Received:** 18 May 2016

**Agent:** Mr Joel Walsh (ATP Architects + Surveyors Limited)

**Applicant:** Mr James Howlett

**Development:** Outline application with all matters reserved for the construction of a new 3/4 bedroom dwelling within the boundary of No 23 Belle Vue Road.

**Ward:** Wivenhoe

**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 Councillor Cory has called it in for the following reasons: 'I believe that the proposed development would be of an overbearing nature on the adjacent property. The original plans do not show this, and even on the new plans - on paper the effect cannot be appreciated. I also feel that this is infill/backfill development which would not enhance the street-scene, so it therefore does not satisfy our local policy objectives.'

### **2.0 Synopsis**

- 2.1 The key issues explored below are whether the site is large enough to satisfactorily accommodate a dwelling without it appearing cramped and the site overdeveloped and whether there would be a detrimental impact upon the character of the street scene or upon neighbouring residential amenity or highway safety. It will also need to be assessed whether there would be adequate parking and manoeuvring space and amenity space provided for the new dwelling and retained for the existing. In this case it is considered that the site is large enough to accommodate an appropriately designed and scaled dwelling without detriment to the character of the street scene or surrounding area. Adequate parking space and amenity space for the existing and new dwelling would be provided and it is not considered there would be any detriment to neighbouring residential amenity.

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

- 3.1 The site lies within the physical limits of Wivenhoe and is part of the side and rear garden of number 23 Belle Vue Road. The front part of the site also consists of a double garage and parking area that serves the existing dwelling. There are dwellings on either side of the road with quite a tightly knit pattern in some areas. Some dwellings in the street have the gable facing the road.

## **4.0 Description of the Proposal**

- 4.1 The Outline Application (with all matters reserved) is for the erection of a dwelling with an area for two parking spaces at the front. The existing dwelling would also have a new crossover and hard surfaced space in front of it for two cars. The plot would have a frontage width of 8 metres widening to 9.3 metres to the rear and would have a length of just over 40 metres.

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential.

## **6.0 Relevant Planning History**

- 6.1 No relevant recent planning history.

## **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

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

TA5 - Parking

ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

DP19 Parking Standards

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

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

## **8.0 Consultations**

- 8.1 Highway Authority: states that “this Authority would be unlikely to raise any objections to the proposed construction of a 3/4 bedroom dwelling within the boundary of 23 Belle Vue Road subject to the following being provided;
- 1) Parking facilities in accordance with current policy standards; 2 spaces each all measuring no less than 2.9m x 5.5m, for both the new and donor properties (four spaces in total)
  - 2) Transport information marketing pack for the new property
  - 3) No loose or unbound material used for the vehicle access surfacing within 6m of the highway boundary
  - 4) For existing access points the current vehicle visibility splays are retained, and for any new access points vehicle visibility splays are provided to match the existing.’

Highway Authority amended plan comment: ‘For this application I have had a look at the amended plans submitted and this Authority does not wish to submit further comments.’

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 have stated that “The development is overbearing to the streetscape. Clauses 3.2, 3.6. 5.4 and 6.3 of the CBC’s SPD ‘Backland and Infill Development?’ refer. In particular 5.4 which states that ‘a backland or infill development should make a positive contribution to the character of the existing locality and 3.2 which states ‘In some areas large gardens will be the defining character and in these areas backland and infill development will normally be resisted.’ On-street car parking will also be an issue of concern as this will need to be compliant. It should also be noted that houses built by in-filling cannot be taken off the Wivenhoe Neighbourhood Plan’s housing allocation.”

## **10.0 Representations**

- 10.1 Wivenhoe society states: “The application is for outline permission to build adjacent to the current property. This will involve demolishing the current garages linked to the house. From the drawings the proposal appears to be that parking for the newly constructed dwelling would be to the front of the new property but nothing is shown for parking provision for the existing dwelling. There would appear to be adequate space for two cars to be parked in what is currently the front garden of number 23. No outline

permission should be granted unless adequate off road parking provision is guaranteed for both the host property and the proposed new dwelling.

Front of house parking (at least 4 spaces in total required) will detract from the street scene and is likely to result in a loss of the wall to the front of the property and an additional dropped curve entrance unless the old and the new property share access. There is a precedent for this in Belle Vue Road but visually it is unattractive. Some form of soft landscaping should be stipulated.

The gap between the proposed new house and its neighbour is small which will give a rather cramped appearance. There are windows to the side of number 23 which will face straight onto the side of the proposed new property. It will be necessary to see if building regulations are still satisfied for the existing property.

The plot size for the suggested new dwelling and the remaining plot size for number 23 would be in keeping with other plot sizes in the immediate location”

10.2 Councillor Cory has made the following objections: ‘I believe that the proposed development would be of an overbearing nature on the adjacent property. The original plans do not show this, and even on the new plans - on paper the effect cannot be appreciated. I also feel that this is infill/backfill development which would not enhance the street-scene, so it therefore does not satisfy our local policy objectives.’

10.3 Four letters of objection have been received which make the following points:

- The application has been submitted using a grossly inaccurate and misleading plan of the immediate setting. As a result it is not possible for consultees and other interested parties to make informed comment on the application as currently presented. Should suspend consideration until correct plans showing our constructed extension have been submitted, then reconsult.
- Plan fails to show the extension on the neighbouring property (25 Belle Vue Rd) which was built (with planning permission) in the 1980s. Thus proposed development is misleadingly portrayed as being more than 4 metres from the building on the neighbouring property when in practice the gap is only 80 cm.
- Building so close is not a good idea. Plot will be too narrow.
- Inadequate drawings- no option but to object.
- If windows on side included, there will be privacy issues.
- Will give feeling of terrace or housing estate.
- Will make maintenance on properties difficult.
- Hope it will not look the monstrosity at 19 Bellevue Road.
- Contemporary design not welcome.
- Already parking pressure.
- Rectory at 44 also has many vehicular movements associated with it.
- Vehicles should be made to park on the driveway.
- Shame to demolish front wall to get access.
- Concern about inconvenience from construction work.

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

## **11.0 Parking Provision**

11.1 Two spaces for the proposed dwelling and two for the existing dwelling.

## **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**

15.1 Principle

15.2 As the site lies within the physical limits of Wivenhoe, the proposal should be judged on its development control merits having regard to issues such as the size of the site, parking provision, impact upon neighbouring residential amenity and upon highway safety.

15.3 Layout and size of plot

15.4 In this case it is considered that the site is large enough to be able to satisfactorily accommodate a dwelling without it appearing cramped or detracting from the character of the street scene and surroundings. With an 8 metre plot width, a dwelling with a gable facing the road would be in keeping with other similar properties and their relationships to adjacent properties in this road. There is a similar arrangement adjacent to number 25. In the case of the current application site it is considered that a property that relates to the style and character of the existing adjacent properties could be accommodated on this site without undermining the character of the area. There would be enough of a gap either side of the property to allow the dwelling to read as being detached, particularly as it would have a gable facing the road. The neighbour's extension has now been plotted on the block plan. Details of the scale and design of the dwelling would need to be agreed at the Reserved Matters Stage. It is not considered the proposal would contravene the provisions of the Wivenhoe Village Design Statement.

15.5 Impact upon neighbouring residential amenity

15.6 It is not considered there would be a significant impact upon neighbouring residential amenity from overbearing impact, loss of light or overlooking. A property could be satisfactorily positioned on the site that would not need to project beyond the rear walls of the neighbouring properties. This would therefore avoid loss of light to their rear elevations. Any side openings can be assessed at the Reserved Matters stage and controlled by condition, thereby ensuring no loss of privacy from views from side windows.

## **15.7 Parking and highway safety**

15.8 Two parking spaces would be provided for the proposed property and the existing property and this would meet the required parking standards. The provision of parking in front of the existing number 23 would entail the removal of some front walling and creation of hard surfacing. The existing wall is low and does not have any particular historic importance. The extent of hard surfacing can be controlled so that some soft landscaping either side of the parking spaces would be retained.

15.9 As the proposal allows for car parking provision on site that meets the current parking standards, it is not considered the proposal would add to parking pressure in Belle Vie Road.

## **15.10 Other**

15.11 Adequate private amenity space would be provided to the rear of the property. Indeed the new dwelling and existing dwelling would both have rear gardens that would be substantial in length.

15.12 There would be no impact upon significant vegetation from the proposal and no impact on wildlife.

## **16.0 Conclusion**

16.1 It is considered that the site is large enough to satisfactorily accommodate an appropriately designed and scaled dwelling without there being detriment to the character of the street scene or to neighbouring residential amenity or highway safety.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions:

## **18.0 Positivity Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **19.0 Conditions**

1 - \*Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of 'the reserved matters' referred to in the below conditions relating to the ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

## 2 - Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

## 3 - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

## 4 - \*Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers BVR-OP0001 C (excluding the dwelling position, which is a reserved matter).

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

## 5 - \*Parking Laid Out Prior to Occupation In Accordance With Plan

Prior to the first occupation of the development hereby permitted, two parking spaces, 5.5 x 2.9 metres shall have been laid out within the site in accordance with the approved plan IVR\_OP\_001 C. The approved parking spaces shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

## 6 - No Unbound Surface Materials

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

## 7 - \*Vehicular Visibility Splays

For the existing access points the current vehicle visibility splays shall be permanently retained, and the new access point shall match the existing visibility splays and be provided prior to first occupation of the dwelling and thereafter retained as such.

Reason: In the interests of highway safety.

## 20.0 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.