



Application No: 152311

Location: 6 St. Monance Way, Colchester, CO4 0PN

Scale (approx): 1:1250

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7.2 Case Officer: Chris Harden Due Date: 17/12/2015

HOUSEHOLDER

Site: **6 St. Monance Way, Colchester, CO4 0PN**

Application No: **152311**

Date Received: 22 October 2015

Agent: Mr Steve Norman

Applicant: Mr P Walsh

Development: Two storey front extension.

Ward: St Johns

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 has been called in by Councillor Gamble on the grounds of concerns about the amount of amenity space that would be available for the extended dwelling.

2.0 Synopsis

- 2.1 The key issues explored below are the design and appearance of the extension, its impact upon neighbouring residential amenity and whether there would be enough amenity space and vehicular parking space retained for the existing dwelling.
- 2.2 It is concluded that the design and appearance of the extension would relate satisfactorily to the character of the existing dwelling and street scene. It is also considered that there will not be a significant impact upon neighbouring residential amenity and that adequate amenity space and vehicular parking areas will be retained.

3.0 Site Description and Context

- 3.1 The site contains a two storey, semi-detached dwelling that lies within a housing estate that was built in the early 1960s. There is a hard surfaced parking area to the front of the site and a driveway alongside the dwelling leading to a garage in the rear garden. The site lies a little way after a bend in the road to the south. The semi-detached properties to the north are very similar but are positioned a bit further forward and closer to the road.
- 3.2 Existing amenity space to the rear of the property is approximately 49 square metres. There is also around 18 square metres of space alongside the dwelling leading to the garage. This could be deemed as an access drive although it is a little narrow for current standards.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a two storey front extension to provide an extended living room downstairs and a fourth bedroom upstairs. The extension would project three metres forwards from the front of the existing house, would be approximately four metres in width and with a height to ridge of approximately 5.8 metres. It is proposed to use bricks and tiles to match the existing dwelling.
- 4.2 Three car parking spaces at the front of the property on the existing hard surfaced area would be retained.

5.0 Land Use Allocation

- 5.1 Within Colchester physical limits.

6.0 Relevant Planning History

- 6.1 An application for a rear extension measuring 3 metres by 6 metres was refused earlier in the year (151031) on the following grounds: "...the proposed two storey rear extension would increase the number of bedrooms from three to four, but would reduce the private rear garden area to approximately 35 square metres. This is significantly less than the standard that should normally be provided for a dwelling of this size and, if permitted, would result in the future occupants being left with an amenity area of unsatisfactory size, to the significant detriment of their residential amenity." It was also refused on overlooking of the neighbour's garden from the rear.
- 6.2 A previous proposal for a slightly larger extension to the rear (150296) was refused in March 2015 on the grounds of insufficient amenity space (below 30 sqm) and also on overlooking from a rear bedroom.

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
H2- Housing Density
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

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 Vehicle Parking Standards

Extending Your House?

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

8.1 Highways Authority “have viewed the details of this application and having regard to the fact that the two parking spaces are unaffected this Authority does not wish to submit formal recommendation.”

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 n/a

10.0 Representations

10.1 Ten letters of objection have been received which make the following points:

- Building works will cause noise and disturbance. Concerns about where building materials and equipment will be kept.
- Parking and road access will be affected. Owner already parks 4 cars on site. Extension will push back parking space, forcing people to park on the road, made worse by proximity to sharp bend. Police have advised residents to park in their own driveways. 3 accidents on the bend. 2 spaces is not enough.
- Commercial vehicles are parked as well as representatives from carpet delivery. I understand owner runs a business. Part of garage has been turned into an office.
- Large extension will be an eyesore and have an adverse impact on street scene. Well beyond building line and detrimental to the character of the existing semi-detached dwelling. Not democratic to approve such a large extension affecting neighbours.
- Downstairs could be made into a 5th bedroom.
- We don’t know of any other front extensions on the estate and this will set a precedent. Residents of other 3 bedroom properties will do the same.
- Will not be in keeping with houses on that side of the road.

- Represents overdevelopment. 4 bedroom house requires a minimum of 100 square metres of amenity land. Will circumvent policies DP16 and DP1. Council should uphold these planning laws.
- Area alongside house is used for washing line and for the dog, not for parking.
- There will be an overbearing affect and loss of outlook from our lounge and bedroom. Our views are currently uninterrupted. Will also be a loss of light.
- I am a shift worker and works will affect my sleep.
- Already out of keeping with block tarmac front garden

10.2 Councillor Gamble has called the application to Committee on the grounds of concern about the size of amenity space serving the dwelling.

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

11.0 Parking Provision

11.1 3-4 spaces.

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

Design, scale and Layout

15.1 It is considered the design, scale and form of the extension is acceptable in this context. Whilst the gable would project forward, it would be of traditional proportions and would not detract from the character of the existing dwelling. The attached property has a gable facing the road, as has the semi-detached property nearby. The building line in the street also varies so the fact that this extension would project forward would not be out of keeping with the character of the street scene. The extension would also be marginally lower than the height of the main dwelling, allowing it to appear appropriately recessive. It is therefore not considered that the proposal would detract from the visual amenity or character of the area and that the layout of the scheme is satisfactory.

Impacts on Neighbouring Residential Amenity

- 15.2 There are not concerns with regard to neighbouring loss of outlook or loss of light from the dwellings either side of the proposal or opposite. 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. The extension would be approximately five metres from the dwelling to the north (No.4) and this is an adequate distance to avoid any significant detrimental impact. Similarly, the extension would be far enough from the adjoining No.8 to avoid causing a detriment to residential amenity. It is not considered the proposal would be overbearing and it should be noted that there is no right to a view over the front garden of the applicant's site.
- 15.3 The combined plan and elevation tests are not breached in relation to the properties either side and the proposal therefore satisfies the Council's standards for assessing the light issue as set out in the Essex Design Guide and the Extending Your House? guidance.
- 15.4 Short term disturbance from building works would not be a reason to withhold planning permission. Environmental Health can take action if a statutory nuisance is being caused. A condition to ensure a building works management plan is submitted and agreed can also be helpful in this respect so this can be applied.

Amenity Space

- 15.5 It is fair to say that amenity space provision is comparatively small for this dwelling, with around 49 square metres to the rear (excluding garage) plus 18 square metres alongside the property which also appears to be used for amenity space rather than for parking. Policy DP16 refers to a minimum of 60 square metres being provided for 3 bedroomed dwellings and 100 square metres for 4 bedroomed dwellings. The policy, however, relates to private amenity space for 'new residential development' and so is really deemed as guidance for work to existing dwellings rather than a hard and fast rule. The Essex Design Guide also sets standards for amenity space and indicates that 100 square metres is an appropriate provision but that this can vary depending upon the specific circumstances of site. It should be noted that DP16 is more recent (adopted 2010, reviewed 2014). The Urban Place Supplement recognised that these standards are not always helpful in producing good quality development in compact urban developments and indicates a minimum provision of 25 square metres in more urban locations. The Borough Council's SPD "Extending Your House?" states that "Private amenity space should comprise of a useable space appropriate to the size of the dwelling and its surroundings and should be adequately screened to ensure privacy. Extensions and new buildings should not result in sub-standard or unusable garden/amenity areas."
- 15.6 Having regard to the above policies and guidance and the context of the site, it is considered that in this case the level of amenity space that would be retained for the four bedroom dwelling would be acceptable and adequate for the future occupants of the dwelling. Unlike the previously refused case, the level of amenity space to the rear would remain as existing, with a maximum depth of seven metres. Amenity space varies throughout the estate and it is considered that future occupants of this house would have adequate amenity space provision overall to enjoy an acceptable quality of life and that the site would not appear overly cramped or overdeveloped. The fact that

the dwelling has a relatively large area at the front of the site also helps this issue, a point acknowledged in the Essex Design Guide.

- 15.7 A condition can be applied to remove Permitted Development Rights so that the size of the rear garden is retained as such for the future if the development goes ahead (unless a subsequent application is approved.) The applicant currently has permitted development rights so such a condition could actually help with future amenity space provision.

Highway Issues

- 15.8 The front of the site has already been laid out as hard surfacing. Even if the extension was built, there would still be at least three parking spaces retained that would meet current parking space size standards. This exceeds the level of two spaces that is required for a 4 bedroomed dwelling. It is therefore considered that a refusal on lack of parking provision could not be justified.
- 15.9 It is not considered that the fact the site is close to bend would warrant a refusal on highway safety grounds. The Highways Authority has raised no objections to the scheme and is satisfied that parking provision would remain unaffected. The applicant has the right to use his property to park his work vehicle. The claim that a business is being operated is being looked into by the Enforcement Team, but at present there is no evidence that this is the case. This is a separate issue and would not warrant refusing this domestic extension.
- 15.20 As mentioned previously, a building works management plan condition can be applied and this can also cover issues such as parking of construction vehicles, in the interests of highway safety and amenity.

16.0 Conclusion

- 16.1 In conclusion, the proposal is considered to be acceptable in terms of its design and appearance, it would not have a significant impact upon neighbouring residential amenity or upon highway safety and adequate amenity space and parking areas would be retained.

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 Drawing Numbers: Location plan, 1544/4, 1544/5, 1544/6 received 22/10/15.

Reason: For the avoidance of doubt as to the scope of this permission

3 - Non-Standard Condition/Reason

Prior to commencement of development, a building works management plan shall be submitted to and agreed in writing by the Local Planning Authority. All works and associated activity shall accord with the approved building works management plan during the lifetime of the development works.

Reason: In the interests of highway safety and the amenity of the area.

4 - Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

5 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

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.

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.