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Item No: 7.4

Application: 171857

Applicant: Mr Bruce O'Brien

Agent: -

Proposal: Demolish rear extensions. Construction of two storey rear extension. Resubmission of 170260.

Location: 8 Roman Road, Colchester, CO1 1UR

Ward: Castle

Officer: Daniel Cameron

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issue for consideration are the design and appearance of the proposed rear extension and its potential impacts on the character of the surrounding conservation area. A recently dismissed planning appeal on the property provides parameters against which the proposals have been assessed.
- 2.2 The application is subsequently recommended for approval subject to the conditions outlined at the end of the report.

3.0 Site Description and Context

- 3.1 The application site lies within the historic walled town centre of Colchester, a short walk from the junction of High Street and Roman Road. It lies immediately to the east of Castle Park and Castle Road and to the immediate west of the remains of the Town Wall with a small section of Castle Park extending behind the dwelling. This location provides for public views of both the front and rear elevations of the property.
- 3.2 The area is wholly residential in appearance in contrast to the mixed commercial, retail and residential uses evident on East Hill and High Street and within the commercial town centre. The dwellings within the area are a mixture of early and later Victorian vernacular styles and are typically composed of short terraces or semi-detached pairs. They are generally finished in red and Gault clay brick, originally with subdivided wooden box sash windows and slate roofs.
- 3.3 The application site lies within the Town Centre Conservation Area and is subject to an Article 4(2) Direction. This provides control over alterations to windows, doors or openings on street facing elevations, the changing of roofing materials, demolition of chimney stacks or pots, the rendering or painting of brickwork and the demolition, alteration and erection of front boundary gates, walls, fences or other means of enclosure (except hedges). The direction affects properties on both Roman Road and Castle Road.

4.0 Description of the Proposal

- 4.1 The scope of the current application is broadly unchanged since it was last considered by Planning Committee. The detailed design and materials have changed in response to the appeal decision. The application still proposes the demolition of the existing rear extensions at the property and the erection of a part single storey, part two storey rear extension. The proposed rear extension still projects some 3.3m into the existing rear garden at the property and extends across the full width of the existing rear wall. A small single storey element would be located close to the neighbouring property to the north, 9

Roman Road, while the remainder of the rear extension would be two storeys in height. The form of the proposed rear extension would lead to a reorganisation of the existing rear garden at the property, resulting in slightly more useable outdoor space for the applicants.

- 4.2 The current extensions to the rear of the property include a small lean-to close to the existing rear wall of the property which is further extended by two catslide extensions running the length of the garden. The current extensions have a piecemeal appearance and are faced in a number of materials. The existing extensions, by their ad-hoc nature, do not contribute positively to the character of the conservation area and the quality of the views of the rear of the property from Castle Park. These views are somewhat screened at present by a mature Yew tree set in the public open space to the rear of the property. However, the presence of this tree cannot be relied upon to be a permanent feature. While it is noted that the tree is in the ownership of the Council and further protected by the conservation area designation, it could still be removed if it were to be damaged or found to be diseased.
- 4.3 The external facing materials for the proposed extension are brick and slate in keeping with the predominant materials expressed within the character of the conservation area. Members may recall that the previous proposal sought timber cladding and this formed part of the reasons for refusal.

5.0 Land Use Allocation

- 5.1 The land is currently designated as predominantly residential within the current Local Plan.

6.0 Relevant Planning History

- 6.1 The extension of this dwelling was previously considered by Planning Committee in March 2017 under reference number 170260. It proposed the demolition of the existing rear extensions to the property, the erection of a part single storey, part two storey rear extension to be clad in timber, with a replacement front door and fan-light. The principal differences between this scheme and the current proposal concern the proposed facing materials and the proportioning of window openings in the rear elevation.
- 6.2 In the case of the previous application, the applicant was unable to reach an agreement with the Council regarding aspects of the detailed design and the proposed facing materials to be used in the rear extension. The application was subsequently refused by committee. The reasons given for the refusal were based on the harmful impacts on the character and appearance of the conservation area resulting from use of incongruous materials and overly dominant fenestration pattern at first floor level on the rear gable of the proposed extension.

- 6.3 An appeal was lodged with the Planning Inspectorate against the refusal of the Council with the result being a split decision whereby the replacement front door and fanlight were approved by the Inspector; whilst the rear extension was rejected. The Inspector upheld the decision and conclusions of the Council with regard to the rear extension (and front door).

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. Appeal decisions are one such material consideration. 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:

UR2 - Built Design and Character
ENV1 - Environment

- 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

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 Comments from the Archaeological Advisor have been carried over from the previous application on the site. As the proposed development is in the area of the Roman town and the property backs onto the Town Wall, groundworks relating to the rear extension have the potential to cause damage to archaeological deposits that exist. That said, it has been recommended that a condition be applied to any permission to record and advance the understanding of any below ground heritage present on the site.

8.3 Comments have also been received from the Historic Buildings and Areas Officer. They note that the proposed scheme seeks to address the previous reasons for refusal; although in design terms it does retain a contemporary flavour. The officer concludes that the development as now proposed would serve to preserve the character and appearance of the wider conservation area. While there are no elements which would justify the refusal of this application, it is recommended that a number of conditions be applied to any approval to ensure that architectural detailing of the proposed extension is acceptable within the context of the wider conservation area.

9.0 Parish Council Response

9.1 The application sits within an unparished town centre ward.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations were received.

11.0 Parking Provision

11.1 The property does not currently benefit from any off-street parking, although a residents parking scheme is in effect. This application would not impact upon the level of parking currently available in the area.

12.0 Open Space Provisions

12.1 A modest garden exists at the property, as a result of the proposed works the usable area of the garden would increase from 15 sq. metres to 20 sq. metres.

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 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 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The main issues in this case are:
- The Principle of Development
 - Design and Layout
 - Scale, Height and Massing
 - Impact on the Surrounding Area
 - Impacts on Neighbouring Properties

- 15.2 The NPPF is clear in the significance it attaches to achieving good design within the planning system. Paragraph 56 of the NPPF states that ‘...good design is a key aspect of sustainable development...’ and ‘...is indivisible from good planning...’. The Planning (Listed Building and Conservation Areas) Act 1990 echoes the stance of the NPPF by placing a general duty upon Local Planning Authorities to give special regard to the desirability of preserving or enhancing conservation areas.
- 15.3 The general duty is further strengthened by paragraph 131 of the NPPF which states that planning applications should be weighed against ‘...the desirability of sustaining and enhancing the significance of heritage assets...’ and ‘...the desirability of a new development making a positive contributions to local character and distinctiveness...’. The Article 4(2) Direction which covers this part of the conservation area underlines the importance of the preservation of the character of the conservation area to the Council.
- 15.4 Local Plan policies reflect these aims, Core Strategy policy UR2 requires development to be informed by the context of its location and to provide high quality design. This policy along with Core Strategy policy ENV1 highlight the importance of the preservation and the safeguarding of the unique historic character of the Borough. Development Policies DP1 and DP14 also require a high standard of design from development proposals that serve to protect and enhance the historic environment.
- 15.5 Development Policy DP13 centres on dwelling alterations, extensions and replacement dwellings. It states that residential extensions within defined settlement boundaries are acceptable provided that the other policy requirements are met and there are no unacceptable impacts upon the neighbouring properties to the application site in terms of overlooking, overshadowing and privacy. With reference to this application, it is clear that issues of design and the conservation of heritage assets area of paramount importance and the principle of development is therefore predicated on whether the application can comply with the requirements of these policies.
- 15.6 The overall design submitted by the applicant is broadly acceptable. The height, scale and massing of the extension is clearly subservient in terms of hierarchy to the parent building. The overall design has a contemporary feel to it, yet has succeeded in overcoming the unacceptable elements that were identified in the reasons for refusal of the previous proposals. While the Historic Buildings and Areas Officer has recommended conditions relating to the design as submitted, these focus more on aspects of detailing and would ensure that architectural details not immediately apparent within the application are appropriately designed.

- 15.7 In terms of the character of the conservation area, the built form is typified by simple artisan cottages and lower middle class housing of the period, which in the vicinity are mainly date from the mid to late Nineteenth Century. These comprise two storey, terraced and semi-detached properties finished in either red or Gault clay brick. The red brick and slate finish of the proposed extension would maintain this established aesthetic and would serve to preserve the character of the conservation area. The modern aspects of the proposed extension, while not, historically contextual, are not unduly assertive within the design and would not amount to harm to the character of the conservation area.
- 15.8 In terms of residential amenity, the two neighbouring properties, 7 Roman Road to the south and 9 Roman Road to the north, would not be affected by the proposed rear extension through either loss of light or loss of privacy. A rear extension already exists at the side of the neighbouring property at 7 Roman Road, nearest to the proposed extension. This extends some distance into their existing rear garden. The proposed extension at 8 Roman Road would not project beyond it, meaning there would be no impact on the level of privacy. The orientation and location of the dwellings relative to each other would mean there would be no impact through the loss of light. With regards to the northern neighbour property at 9 Roman Road, again, the location and orientation of the buildings and the relationship between them means that the proposed extension would have no impact upon the amenity or privacy currently enjoyed at this property either.

16.0 Conclusion

- 16.1 To summarise, this application is considered to address and overcome the reasons given for refusal of the previous scheme and would result in a contextually appropriate addition to the rear streetscene and wider conservation area. There are no issues with the application in terms of national or local policy and no adverse representations received from either consultees or members of the public.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for APPROVAL of planning permission subject to the following conditions:

1. ZAA - 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. ZAM – 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 4816.01 and 4816.04 Revision B. Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. ZBC – Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to, and approved in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

4. ZME – Sample Panel

Prior to the commencement of any works a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the conservation area.

5. Z00 – Detailed Designs

Notwithstanding the details shown or implied by the approved drawings, no works shall take place until additional drawings (at a scale between 1:5 and 1:50 as appropriate) of the architectural detailing have been submitted to, and approved in writing, by the Local Planning Authority. These details shall include doors and door surround, windows (including material, sections, finishes, and depth of reveal), cills, lintels, eaves, verges, barge boards, and Juliet balcony guard rails.

Reason: Insufficient or inappropriate details has been submitted to ensure that the character and appearance of the conservation area is not compromised by poor quality architectural detailing in accordance with adopted local plan policies UR2, ENV1, DP1 and DP14.

6. ZMV – Rainwater Goods

All rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be finished in aluminium and painted black.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and appearance of the building and conservation area where there is insufficient information within the submitted application.

7. Z00 – Archaeological Investigation

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's Core Strategy (2008 and as updated 2014).

18.0 Informatives

18.1 The following informatives are also recommended:

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 - 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 and be investigated by our enforcement team. 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 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.

3 - ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4 - ZUJ - Informative on Archaeology

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>