



Application No: 146530

Location: 58 Rosebery Avenue, Colchester, Essex, CO1 2UP

Scale (approx): 1:1250

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7.6 Case Officer: Carl Allen

HOUSEHOLDER

Site: 58 Rosebery Avenue, Colchester, Essex, CO1 2UP

Application No: 146530

Date Received: 3 February 2015

Agent: Mr Andrew Feasey

Applicant: Mr & Mrs Hockett

Development: Proposed 2 storey rear extension with new detached garage on rear boundary

Ward: Castle

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 Cllr Frame has called it in, stating: 'the mass and form of the extension will visually detract from the character of Rosebery Avenue. The proposed large garage at the bottom of the garden introduces an alien element to the adjoining gardens which is not in keeping with the rest of the area'.

2.0 Synopsis

- 2.1 The key issues explored below are of design and amenity. It is concluded that the proposal would not result in any amenity issues and whilst there could be some disturbance from vehicles accessing the proposed rear garage this would be no different to the disturbance from vehicles parking in the rear garden without requiring planning permission. The design is acceptable and approval with conditions is recommended.

3.0 Site Description and Context

- 3.1 58 Rosebery Avenue is a semi-detached house which has the attached neighbour (number 57) to the south-west. The rear (north-west) elevation has two single storey elements beside each other and a rear garden extending approximately 26 metres from the rear. All the rear boundaries with neighbours consist of wooden panel fencing. Six properties in Smythies Avenue border the site's northern boundary whilst number 57 Rosebery Avenue borders to the south-west. There is an access beside number 58 to the north.

4.0 Description of the Proposal

- 4.1 The proposal is for a two-storey rear extension that would project 2.7 metres from the main dwelling replacing the single storey elements. This would be 6.8 metres high with a hipped roof and would be 0.25 metres from the boundary with the neighbour. Materials would match the existing dwelling.
- 4.2 A detached garage is proposed at the bottom of the garden and would be a maximum of 4.07 metres high (2.4 metres to the eaves), 5 metres wide and 6.8 metres long.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

- 6.1 None.

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:

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

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

- Extending Your House?
- The Essex Design Guide
- External Materials in New Developments

8.0 Consultations

- 8.1 N/A.

9.0 Parish Council Response

9.1 N/A.

10.0 Representations

10.1 Three comments received – two of objection and one of support.

10.2 Objections on the following lines:

- will unreasonably harm the living conditions of neighbours and the environment.
- natural environment already destroyed by the removal of trees and shrubs at the site and the conversion of garden into paved access road and garage forecourt would result in more noise and exhaust fumes from cars and increase run-off resulting in flooding in the area.
- unneighbourly, will overshadow and be overbearing to those in Rosebery and Smythies Avenues.
- cramped form of development and unacceptable reduction in garden area and loss of important green space which is a feature of 1930s development.
- would set precedent.
- design is of an inferior quality.
- disrespectful of rear building line.
- Residents' Association is campaigning for a residents' parking scheme which would reduce need for garages.
- garage imposes too much on neighbours.

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

11.0 Parking Provision

11.1 No change.

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

Residential Amenity

- 15.1 The proposal would bring the two-storey rear elevation 2.7m beyond the existing two-storey part of the dwelling and would replace the existing single-storey elements. The only dwelling that would be close to this proposed element is the neighbour at number 57, which is to the south-west. Given this orientation it would be highly unlikely to receive any shadow from the proposal. The areas that would receive shadowing would be to the north-east and would be the site's own side access and small areas of the bottom gardens of 69 and 67 Smythies Avenue. This is considered to be acceptable and does not raise any amenity concerns.
- 15.2 The neighbour at number 57 does have a first floor window on its rear elevation and this does need some consideration with regards to the proposal being overbearing. The neighbour's window would be 1.5 metres from the proposed extension and appears to serve a habitable room. It is considered that an argument that this would have an overbearing impact would be difficult to sustain as the proposal would extend beyond the rear wall by 2.7 metres, be 1.5 metres from the window and would not result in any amenity impacts normally associated with overbearing development.
- 15.3 The proposal would include two first floor windows – one serving an en-suite and the other serving a bedroom. Given that the existing rear elevation has an existing bedroom window and the proposal would bring this window forward by less than three metres, the proposal would not increase overlooking by any significant amount.

Design

- 15.4 The proposal would have a limited visibility in the street-scene and would not detract from the publically visible parts of Rosebery Avenue. For these reasons the proposal is considered to comply with DP1 and DP13.
- 15.5 The comments that the proposal would result in a cramped form of development are not agreed with. Although the proposal has two elements – a two-storey rear extension and a detached garage – there would still be a great length of garden (18 metres x 8 metres) that would remain as open garden and this would ensure that the proposal would not appear to be an over-development of the plot.
- 15.6 The proposed design would read as a subservient addition with a ridge height 0.6m below the existing ridge with a hipped roof. The proposed materials are considered acceptable as they would match the existing. The proposal would be in line with neighbouring extensions (which are mainly single-storey) and so would not break any perceived rear building line. It is noted that a few doors to the west of the site are some existing two-storey rear extensions. The proposal is considered to comply with the design requirements of DP1 and UR2.

Garage

- 15.7 The proposal also includes a new detached garage that would be located at the bottom of the garden. This has raised some objection from neighbours due to the position imposing on their amenity.

- 15.8 Members are reminded that the garage requires planning permission as it is within two metres of the boundary and would be higher than 2.5 metres. The proposed garage would not be close to any neighbouring dwellings and would be close to the end of neighbours' gardens. Most of the surrounding gardens contain sheds close to the site and in the case of number 63 Smythies Avenue there is quite a large outbuilding on the boundary with the site. Given these factors, it is difficult to see how the position of the garage would be out of character with the area.
- 15.9 Turning to noise and disturbance, the garage would have a longer access track than its neighbours – most of which have a garage positioned close to the rear elevation, so there could be a slight increase in disturbance during the evenings. However, this has to be balanced with the fact that the applicant could choose to hard surface their garden and park their vehicles in their rear garden without requiring planning permission which would also cause noise and disturbance to neighbours. The question is therefore does the garage itself generate any additional amenity issues? From the previous discussion the conclusion was that it did not. That the Residents' Association is campaigning for a residents' parking scheme is not a consideration as, even if adopted, the scheme may not dampen the desire for private, off-street parking and garages.

Other Matters

- 15.10 That trees and shrubs may have been removed at the site is not a consideration as there is no Tree Preservation Order in place at the site and it is not in a Conservation Area. As such the applicant is and was entitled to remove trees from their property if they so wish.
- 15.11 Comment has been made that the access surfacing would result in flooding in the area, however, hard surfacing is not part of this application. That said, hardstanding to the rear would not require Planning permission under Class F of the General Permitted Development Order. Given that this is not a Flood Risk Area it would be unreasonable to remove all permitted development rights for this. However, it would be profitable to remind the applicant by informative as to the restrictions to the front – namely any hardstanding in excess of five metres square that is not free draining requires permission.
- 15.12 The proposal would not set a precedent for others in the area, as any proposal would be judged on its own merits and would be highly likely to have different relationships with neighbours etc.

16.0 Conclusion

- 16.1 It is considered that the proposal would not result in any amenity issues such as overlooking or overshadowing and whilst there could be some disturbance from vehicles accessing the rear garage this would be no different to the disturbance from vehicles parking in the rear without requiring planning permission. The design is considered acceptable.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions.

18.0 Positivity Statement

- 18.1 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.

19.0 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 104, 102 Rev C, 101 Rev A, Location Plan and Block Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

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.

(4) The applicant is reminded of Schedule 1, Part 1, Class F of the General Permitted Development Order (1995) as amended which, in relation to the front, states that where:

“the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse”