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Item No: 7.3

Application: 190020

Applicant: Mr & Mrs Keiren Cahill

Agent: Mr W Andrew Todd

Proposal: Part single and part two storey side and rear extension

Location: 45 Winston Avenue, Colchester, CO3 4NQ

Ward: Prettygate

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application was called in by a member for the following reasons:
- 1.2 Reason 1: The scale, bulk, mass, appearance and layout of the proposed Extensions will unacceptably dominate the adjoining property, No 47 Winston Avenue.
- 1.3 Reason 2: The extensions proposed would prejudice the residential amenity of the adjoining property, No 47 Winston Avenue, particularly in regard to what would be the resultant blocking out of light to it and the compromising of both privacy and outlook for No 47.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy. These matters have been considered alongside planning policy requirements and other material matters, leading to the application being subsequently recommended for approval.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 45 Winston Avenue is a detached residential property that lies within a predominately residential area where development such as that proposed is considered to be acceptable in principle. The sites rear garden backs the open space associated with Prettygate Infants School.

4.0 Description of the Proposal

- 4.1 The proposal is for a ground floor rear extension and a first-floor side extension over the existing garage. The external materials proposed are to match the existing.
- 4.2 Initially the application sought permission for a ground floor extension and a first floor extension over the majority of the ground floor extension to the rear and to the side. Having assessed the proposal this was deemed unacceptable due to impact on neighbouring amenity. Following negotiations the proposal first floor extension has been significantly reduced and is now considered to be acceptable.

5.0 Land Use Allocation

5.1 Residential.

6.0 Relevant Planning History

6.1 There is no site history that is particularly relevant to the decision regarding this proposed development.

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 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:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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
DP12 - Dwelling Standards
DP16 - Private Amenity Space and Open Space Provision for New Residential Development
DP - 19 Parking Standards

7.4 Emerging Local Plan

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.5 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).
- 7.6 There is no relevant Neighbourhood Plan.
- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Stanway Joint Design Statement and Parish Plan

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 Archaeological officer:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

- 8.3 Arboricultural officer:

The Arboricultural Officer is in agreement with the Tree Assessment and Tree Protection Plan.

9.0 Parish Council Response

- 9.1 Non parish

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 There were 3 objections received; a summary of the concerns are as follows:

- Impact on light
- Privacy
- Noise and fumes (from heating system vents and kitchen extraction)

11.0 Parking Provision

11.1 No impact on parking provision.

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 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
- Amenity Provisions
- Landscape and Trees
- Private Amenity Space Provision
- Parking Provision

Principle

15.2 In terms of the principle of development, Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy (Colchester Town and Stanway being at the top of that hierarchy, extending down to District Settlements of Tiptree, West Mersea, and Wivenhoe; with other villages in the Borough being identified as ‘Rural Communities’). The application site is within the settlement boundary of Colchester and is therefore considered to be in a sustainable location and acceptable in principle.

Neighbouring amenity

- 15.3 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 15.4 The neighbour has expressed concerns with regards loss of light as a result of the proposed despite the reduction in the scale of the first floor of the scheme. The new proposal has been fully assessed using the combined plan and elevation as set out in the Essex Design Guide, The first floor extension does not breach the test in either plan or elevation and therefore satisfies the Councils standards for assessing this issue.
- 15.5 The ground floor extension breaches the plan test but does not breach the elevation test and is therefore considered to be acceptable. It must also be noted that there is already in place a 1.8m, height boundary fence as existing. It is also noted that the ground floor extension proposed is no greater than 4m from the original rear. Therefore, compliant with General Permitted Development order for a detached dwelling for permitted development.
- 15.6 To assess whether the scheme would appear overbearing on the outlook of the neighbours Council policy (Essex Design Guide) 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 the proposal satisfies this requirement.
- 15.7 The proposal does not include any new windows on the first floor level that would offer an unsatisfactory angle overlooking the private amenity space of the neighbouring property. However, there has been concerns raised with regards to the side window proposed on the ground floor. The side window is on the ground floor and there is a 1.8m fence along the boundary that will prevent any views to the neighbouring properties private amenity space. It is therefore considered that the amenity of the neighbours will not be harmed by the proposed.

Environmental protection

- 15.8 There have been concerns raised with regards to potential noise and fumes as a result of the extension to the kitchen and placement of vents. It is considered that the proposed is for a domestic use only and that the potential increased harm by the extension is negligible.

Design, scale and form

- 15.9 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 15.10 The design, scale and form of the proposed development is considered satisfactory on its own merits. The proposed extension is designed to appear as a subservient addition and is complimentary to the existing dwelling and therefore is considered to be acceptable. The proposed materials are to match the existing. It is not considered that the proposed would harm the surrounding area it is in keeping with the character of the dwelling and the local area.

Parking and private amenity

- 15.11 Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).
- 15.12 There is to be no loss of parking provision for the site. The proposal does include the reduction in the size of the garage. The garage however is not in its existing form providing a parking space for the dwelling, as the garage has internal dimensions of less than 7.0m x 3.0m. Therefore according to the EPOA parking standards this cannot be classified as a parking space. Hence, the change to the garage will not result in the loss of existing parking provision.
- 15.13 Development Plan policy DP16 related to the private amenity space standards for new development. The dwelling will retain appropriate private amenity space.

Trees

- 15.14 Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings including its landscape setting.

15.15 A tree assessment and tree protection plan was submitted in support of the application. There are 3 holly trees and 1 Ash tree in the neighbouring garden that have been assessed. It has been concluded that tree fencing has been recommended to protect the trees during construction. The Council's Arboricultural Officer is satisfied with the submitted assessment and protection plan, this document will be made an approved document.

15.16 On this basis, the proposal is considered to be acceptable in terms of its impact on trees in accordance with policy DP1.

16.0 Conclusion

16.1 To summarise, the proposed development fully accords with the Council's policy requirements.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

17.2 APPROVAL of planning permission subject to the following conditions:

1. ZAA – Time Limit

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 PP-01-C dated 13/02/2019 and Tree Assessment & Protection Plan project number 7335 dated 11th March 2019.

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

3. ZBB – Materials as stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

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

4. ZFQ – Tree and Natural Feature Protection

No works shall take place until the protective fencing identified on the Tree Protection Plan drawing number 7335-D-TPP has been erected. All protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZTO – Advisory Note on Constuction and 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.