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Item No: 7.6

Application: 180478

Applicant: Mr Gavin Short

Agent: Mr Michael Bowler

Proposal: Proposed extension and alterations

Location: 2 Mede Way, Wivenhoe, CO7 9HP

Ward: Wivenhoe

Officer: Eleanor Moss

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Cory called in the application for the following reasons:

the loss of residential amenity – especially affecting number 4 Mede Way and loss of light to the same adjacent property. I also feel that it should be discuss this area. The harmful impact upon residential amenity - mainly affecting 4 Mede Way, but also 2 Field Way. Impact upon street scene and the out of keeping nature of the development with surrounding properties - such a development of this size to these bungalows is not in-keeping with the properties in adjacent area.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon character and appearance of the area and impact upon neighbouring amenity. It is considered the proposal does not create a harmful impact upon the character of the area nor does it breach the loss of light tests within the Essex Design Guide.
- 2.2 The proposal also benefits from a realistic ‘fallback position’ under Permitted Development. The proposal is considered to be acceptable and therefore your Officer recommends approval.

3.0 Site Description and Context

- 3.1 The application site relates to a semi-detached bungalow within Wivenhoe, located towards the eastern side of Mede Way. The properties along this side of the road have south-easterly facing gardens. A number of properties within the area have extended within the rear gardens. The application site retains its original garage, however this is undersized and as such does not constitute a car parking space. This garage is due to be removed. Within the rear garden there is an existing tree which is due to be kept, with safeguarding measures proposed.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for a single-storey rear extension, the demolition of the existing garage and the extension of the existing 1.8 metre side boundary fence.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 None relevant to this application

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.5 The Wivenhoe Neighbourhood Plan is currently emerging and can be afforded some limited weight.

7.6 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
Wivenhoe Town Plan and Executive Summary

8.0 Consultations

8.1 The stakeholders who have been consulted and letters from the neighbouring properties responses are as set out below. More information may be set out on our website.

Archaeological Officer – No objection
Contamination Officer – No comments
Tree Officer – No comments

9.0 Parish Council Response

9.1 None received at the time of writing.

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

- Noise
- Car parking
- Sewer blockages
- Removal of asbestos
- Soak away
- Concrete and mortar dust
- Increase in size of bungalow
- Health issues
- Undermining of neighbouring garage
- Increasing two bed bungalow into a four bed family home
- Quality of life
- Loss of privacy
- Overbearing effect
- Loss of light

Officer response: The concerns from the neighbours are acknowledged however a number of concerns raised are not considered to be material planning considerations and thus will not be discussed within the below report. Included below are non-material planning considerations which were raised in the responses:

- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working – These are covered a number of Acts including Environmental Protection Act 1990 and Control of Pollution Act 1974.
- Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- Applicant's personal circumstances

Please note; if any asbestos is detected the applicant is urged to contact Environmental Protection or the HSE for further guidance.

11.0 Parking Provision

11.1 Complies with car parking standards

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

Principle of Development:

- 15.1 This application is located within the settlement limits of Wivenhoe. The proposed extension will be located on the rear elevation of the dwelling where alterations and additions are acceptable in principle and the impact on the character and appearance of the surrounding area will be minimal.

Design:

- 15.2 In this instance, the proposed extension will be flat roof in design and covering the rear garden area. The floor area covered by the proposed new extension is very minor and the design and proposed materials are in keeping with the age and character of the property.

Impact upon Surrounding Area:

- 15.3 The application site itself is large enough to accommodate the proposed development. The proposed extension would not be visible from the road and the overall size in terms of height, width and depth ensure that the proposed extension will appear in keeping with the character of the property and the surrounding area where there are other rear extensions.

Impact upon Neighbouring Properties:

- 15.4 The extension proposed is part width and is set away from the side boundary with No.4 Mede Way by approximately 1 metre and No.2 Field Way by approximately 2.4 metres. Due to the physical separation of the application site and No.2 Field Way and the positioning of No. 2 Field Way's detached outbuilding within the rear garden and along the side boundary with the application property, it is considered that the proposed extension would have a minimal impact on the occupiers of No.2 Field Way. It is noted the proposal includes a side-facing window within the existing ground floor. Given that this is not located within an upper-floor side elevation, this is considered to be permitted development and can be undertaken at any time without formal notification or permission from the Local Planning Authority.

- 15.5 The proposal includes the extension of the existing 1.8 metre side boundary fence along the common boundary of No.2 Field Way, this has been included in order to screen the proposal further from the neighbouring property. The proposed boundary fence is not considered to have a harmful impact upon the neighbouring properties.
- 15.6 In terms of the impact upon the occupiers of No.4, the rear gardens of the properties on this side of Mede Way are south-easterly facing. As stated above, the extension would be positioned approximately one metre away from the side boundary with No.4 Mede Way. No.4 has been extended by way of a three-metre deep, single-storey rear extension which forms a conservatory. Due to the orientation of the property's rear gardens any potential impact on the occupiers of No.4 Mede Way would be felt in the late afternoons/evenings. Guidance in the Supplementary Planning document 'The Essex Design Guide' is that a 45-degree angle from the mid-point of windows is required in order to preserve outlook. This proposal complies with this test. Due to the half a metre distance involved between the proposed extension and No.4, however, it is considered that any loss of light impact to the occupiers would be negligible and does not breach the adopted SPD guidance. Furthermore, an approximately 1.8 metre high fence exists along the shared boundary between the application property and No.4 Mede Way and to the side of where the extension is proposed. It is considered that the fence would further preclude any impact upon the occupiers of No.4 Mede Way. In summary, it is not considered that there would be any loss of light to or harm to the outlook from neighbouring properties and any impact on residential amenity would be negligible.
- 15.7 An objection has been made to the height of the extension. The proposal is not considered to be excessively high at approximately three metres (maximum height) and, as such, is considered to be acceptable.

Permitted Development 'Fall-Back':

- 15.8 Legislation allowing larger single-storey rear extensions to be built under permitted development rules came in to force on 30 May 2013, and was subsequently updated by new legislation which came into effect on 6 April 2016. Until 30 May 2019 a single storey extension can be larger than previously allowed under permitted development rights. In order to benefit from these larger permitted development rights, the proposal must not extend beyond the rear of the original house by more than 8 metres if a detached house, or by more than 6 metres in any other case. These larger extensions are not allowed for houses on article 2(3) land (a conservation area, AONB, Broads, National Park or World Heritage Site) or on a site of special scientific interest (SSSI). The height of the extension must not be more than 4 metres. In this instance, the proposal complies with the permitted development fallback position as it complies with the size and height requirements and does not fall within 2(3) land or in a SSSI.

- 15.9 That said, the applicant would still need to apply (free of charge) under the “larger homes” procedure, with neighbours being consulted and any objection based on amenity would need to be considered by the Local Planning Authority. Issues of design, however, would not be considered.

Trees and Hedges:

- 15.10 Whilst there is a tree within the rear garden, this is not protected and could be removed at any time without the Council’s permission. In any case, none of the vegetation on site is such that it could not be easily replaced with something of similar or better quality. The submitted drawings detail protective tree fencing in line with BS 5837 and this is considered to be adequate protection. As such, the proposal is considered to be acceptable in this regard.

Highways and Parking:

- 15.11 The proposal removes the existing garage from the site, this is currently considered to be undersized and therefore does not constitute a car parking space. As the proposal does not seek the removal of any off road parking, the proposal is considered to be acceptable in this regard.

16.0 Conclusion

- 16.1 To summarise, the design of the proposed extension is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the “Essex Design Guide” guidance document has been infringed and no unacceptable impacts have been identified. The proposed single storey rear extension would not appear out of character in the street-scene or as an overly-prominent addition. Your Officer therefore recommends approval.

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 5529/18/2 and SK/1 Revision A dated 4 April 2018.

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, unless otherwise agreed, in writing, by the Local Planning Authority.

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

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.