



**Application No:** 150605

**Location:** 129 High Road, Layer-De-La-Haye, Colchester, CO2 0EA

**Scale (approx):** 1:1250

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**7.6 Case Officer: Chris Harden**

## **HOUSEHOLDER**

**Site:** 129 High Road, Layer-De-La-Haye, Colchester, CO2 0EA

**Application No:** 150605

**Date Received:** 23 March 2015

**Agent:** Mr Peter Tyler

**Applicant:** Mr & Mrs Andrew Pickard

**Development:** First floor extension to existing bungalow.

**Ward:** Birch & Winstree

**Summary of Recommendation:** Conditional approval subject to consideration of any comments received following the re-consultation exercise

### **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because the agent works as a consultant for Colchester Borough Council.

### **2.0 Synopsis**

2.1 The key issues explored below are consideration of the design, scale and form of the extension, its impact upon the character of the street scene and any impact on neighbouring residential amenity. It is explained that amendments have been negotiated and the report concludes that the impacts upon the character of the area the amenity of immediate neighbours are acceptable. Approval is, therefore, recommended.

### **3.0 Site Description and Context**

3.1 The site contains a single residential property (see site plan for layout, orientation and relationship to neighbouring properties) within the settlement boundary of Layer-de-la-Haye. The existing dwelling comprises a red brick bungalow, which has a limited amount of accommodation within the roof space. It has previously been extended to the rear with a flat-roofed, single storey, extension. The dwelling has a large rear garden and a substantial forecourt and side drive for vehicular parking. To the south-west of the site lies a bungalow and to the north-east is a chalet-style property. High Road, Layer comprises a varied mix of detached bungalows, chalet-style dwellings and houses on either side of the road.

## **4.0 Description of the Proposal**

4.1 The application seeks to add a first floor on to the existing dwelling. The plans originally submitted have been amended – firstly to remove a proposed dormer and rooflights that faced toward the neighbour at No. 131; secondly, the height of the rear first floor element has been reduced from 6.5 metres to 5.3 metres in height.

## **5.0 Land Use Allocation**

5.1 Layer-de-la-Haye settlement boundary

## **6.0 Relevant Planning History**

6.1 Planning application 122212 for the conversion of the bungalow to a house was refused in 2012. This scheme was bulkier and was refused on the grounds of being visually incongruous, of non-traditional design and due to a detrimental effect on neighbouring residential amenity due to a loss of light and outlook.

## **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 how 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  
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  
DP19 Parking Standards

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

Backland and Infill  
Vehicle Parking Standards  
Extending Your House?  
The Essex Design Guide

## **8.0 Consultations**

8.1 The consultation exercise has not resulted in the receipt of any statutory consultee comments.

## **9.0 Parish Council Response**

9.1 Layer-de-la-Haye Parish Council stated: "The Parish Council opposed a previous similar application for this location (122212) because we felt it was an inappropriate over-development of the current site and that is still our view. The proposed extension will overwhelm the existing structure and in scale is generally out of keeping with the neighbouring properties which are bungalows and chalet bungalows. We are pleased to learn that the applicant has reached agreement with one of the neighbours about removing some first floor windows which would overlook his property. An additional concern is the parking of numerous builders vehicles on the busy High Road which would cause an unacceptable level of congestion and is potentially dangerous. A recent development at 149 High Road (132106) showed that it is perfectly possible to avoid major disruption and the Parish Council would like a restriction imposed, requiring contractor's vehicles to be parked on the property, rather than the road.

*(Officer Note: The amended plans have reduced the bulk of the proposed additions. There is sufficient room on site to accommodate a number of vehicles off-road.)*

Any comments received following re-consultation relating to the amended plans will be reported to the Committee.

## **10.0 Representations**

10.1 One letter was received from 131 High Road commenting on the plans originally submitted which objected on the basis of windows overlooking the kitchen, lounge, patio and garden.

*(Officer Note: The amended plans appear to have resolved this.)*

The full text of all of the representations received is available to view on the Council's website. Any comments received following re-consultation relating to the amended plans will be reported to the Committee.

## **11.0 Parking Provision**

11.1 The existing dwelling has a large forecourt and drive that can accommodate a number of cars and therefore accords with policy DP19.

## **12.0 Open Space Provisions**

12.1 There is no requirement for any public open space provision for this application.

## **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**

- 15.1 The most significant planning issues are the design of the proposed development, including its impact in the street-scene, as well as its impact on neighbouring amenity in terms of outlook, light and privacy.
- 15.2 The proposal is for the construction of first floor accommodation above the existing bungalow. This is to be achieved within a “chalet-style” roof with two dormer windows fronting onto High Road and bonnet-style hips on either side and, to the rear, side-pitched roofs masking a flat-roofed element. It is acknowledged that it can be difficult to add a first floor on to the footprint of the existing bungalow, without resulting in a poorly-proportioned dwelling. However, in this case, the front view of the resultant dwelling would be in keeping with the general character of other properties along this part of High Road. There are other similar front dormers in the vicinity and the scale and height of the dwelling would be comparable to other properties in the vicinity.
- 15.3 There was concern regarding the originally submitted drawings which included a rearwards projecting element that appeared very dominant and not at all recessive to the main 1 ½ storey front area of the dwelling. This would have represented poor design and would have been detrimental to the character of this part of the street scene. There was also some concern that the height of the rear element would have an overbearing impact upon neighbours (although no objections from neighbours on these grounds was received). The revised scheme, reducing the height of the rear element from 6.5 metres to 5.3 metres, would give the rear extension a far more recessive appearance and would not detract from the character of the street scene. It would also minimise any overbearing impact upon neighbours. Whilst the rear extension would have a central flat-roofed element, this would be masked from side view by pitched roofs either side and would only be visible from the rear garden. The form, scale and design of the proposal are now considered acceptable, although any additional comments received following the re-consultation process will be reported to the Committee. The revised scheme is considered far more visually acceptable than the bulky scheme that was refused under application 122212.
- 15.4 The revised scheme is not considered to represent an overdevelopment of the site. Adequate amenity space and parking and manoeuvring areas would be provided and the dwelling would not appear cramped on the site. A building works management condition could also be applied to minimise disruption in the vicinity.
- 15.5 The existing dwelling is situated between a single storey bungalow to the north and a chalet-style property to the south. The former is set at an angle toward No. 129 and the Planning Officer is satisfied that the proposal would not have a significant impact upon the amenity of that dwelling providing that the side-facing dormers to the bathroom are conditioned to include obscure glazing. This will ensure there is no significant overlooking.

15.6 The dwelling to the other side (No. 131) lies generally to the north of 129 and is about 0.5 metres below the land levels of the application site. No. 131 has a kitchen in the rear corner of the building nearest to 129, with a number of windows. The main window has its mid-point about 5 metres away from the shared boundary and the Planning Officer is satisfied that the proposed additions to 129 will not result in the centre of this window being within a combined plan and section 45 degree overshadowing zone. The proposed extension, therefore, does not result in an unacceptable loss of light to this room. The existing dwelling of No. 129 projects about 4.5 metres beyond the rear wall of the kitchen of 131. Consequently, the proposed additions at first floor level will not have an overbearing impact upon the outlook of the neighbour. The neighbours have not objected to the scheme on the grounds of overbearing impact or loss of light and the revision has further reduced the height of the rear extension.

15.7 There will be no new windows at first floor level that would offer an unsatisfactory angle of overlooking that would harm the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD.

15.8 Finally, there will be no impact upon significant vegetation or upon wildlife.

## **16.0 Conclusion**

16.1 To summarise, the proposed development fully accords with the Council's policy requirements. The design and scale of the amended scheme are considered acceptable and would not detract from the character of the street scene. It is also not considered that there would be any detriment to neighbouring residential amenity although any observations received following the re-consultation exercise will be considered.

## **17.0 Recommendation**

17.1 Authority to APPROVE with APPROVAL being granted subject to consideration of any comments received following the re-consultation exercise and 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 Number 381-5B 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 - 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 - Non-Standard Condition/Reason

Prior to the development hereby permitted coming in to use, the applicant shall provide glazing to a minimum of level four on the Pilkington scale to the side dormers and this glazing shall be retained at all times.

Reason: In the interests of residential amenity.

### 5 - Non-Standard Condition/Reason

Prior to the commencement of development, a building works management plan shall be submitted to the local planning authority to its satisfaction and all works shall comply with the details of that plan.

Reason: In the interests of residential and highway amenity.

## 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.

## 20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.