



**Application No:** 151379

**Location:** Wickhams, Bures Road, West Bergholt, Colchester, CO6 3DW

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **21<sup>st</sup> January 2016**  
Report of: **Head of Professional/Commercial Services**  
Title: **Planning Applications**

## 7.1 Case Officer: Carl Allen

## MINOR

**Site:** Wickhams, Bures Road, West Bergholt, Colchester, CO6 3DW

**Application No:** 151379

**Date Received:** 9 July 2015

**Agent:** Mr James Firth, Strutt & Parker LLP

**Applicant:** Mr & Mrs D Watts

**Development:** Proposed replacement dwelling, associated parking, car port and garaging, hard and soft landscaping.

**Ward:** W. Bergholt & Eight Ash Green

**Summary of Recommendation:** Refusal

## 1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because Cllr Harrington has called it in for the following reasons:

- 'Location will be returned to agricultural use and therefore there is no gain of residential land and no loss of agricultural land.
- The proposal does not conflict with Policy DP13
- The new proposed location for the dwelling represents the optimum location solution to siting in line with Policy DP13.
- The wider landscaping and biodiversity enhancements proposed will be an improvement as noted by the landscape officer consultation response.
- Lack of harm to landscape character or countryside

- The proposals do not change the use of the applicant's land surrounding the dwelling which remain outside of the application red line and will continue in use as agricultural paddocks
- The landscape officer has not objected to the proposal
- The parish council raise no objection to the proposal.
- The development is supported by detailed landscape reports setting out the particular circumstances of the site and does not set a precedent for other development within the Borough'.

## **2.0 Synopsis**

- 2.1 The key issue explored below concerns the principle of repositioning the dwelling with a new curtilage outside of the existing curtilage. It is considered that this would not respect the pattern of development along Colchester Road which is all positioned close to the highway, would push a house and residential curtilage deep into the countryside, contrary to national guidance and local policy and would set a precedent for neighbours. The recommendation is therefore for refusal.

## **3.0 Site Description and Context**

- 3.1 The proposed site is remotely located in open countryside. To the east is agricultural land, in separate ownership, which runs towards Nayland Road, whilst the other sides are currently given over to paddock (all in the ownership of the applicant). All of these are open aspect although there are some trees and hedging to the boundaries.
- 3.2 The site is 900 metres outside of the West Bergholt settlement boundary. There are no residential neighbours adjoining the site. Opposite are Dunedin Cottages. Other than this, the nearest properties are 200 metres distant.
- 3.3 The dwelling "Wickhams" was a fairly large detached dwelling set back from Bures Road (B1508) to the west. Permission was granted to replace it with a larger dwelling under application 144681. The original dwelling has now been demolished.

## **4.0 Description of the Proposal**

- 4.1 This proposal seeks to reposition the new dwelling some way outside of the current curtilage into unallocated open countryside to the east.
- 4.2 This house was largely accepted under application 144681 and has been very slightly modified including the addition of a studio. Also included are a four bay carport and shed/store (as before) and an additional four bay garage plus a shed. Excluded on this application is the swimming pool which accompanied 144681.
- 4.3 The scheme also comes with a landscaping scheme including an avenue of trees to the front aspect.

## **5.0 Land Use Allocation**

- 5.1 The land where it is proposed to reposition the dwelling is unallocated countryside.

## **6.0 Relevant Planning History**

- 6.1 144681 – Proposed replacement dwelling, associated parking, car port and hard and soft landscaping. Approved 24<sup>th</sup> June 2014.

## **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  
ENV2 - Rural Communities

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

- The Essex Design Guide
- External Materials in New Developments
- West Bergholt Village Design Statement

## **8.0 Consultations**

- 8.1 Landscape Officer – no objection, make comments on details (which the agent has clarified).
- 8.2 Arboricultural Officer – Arboricultural report needs updating (this has been amended).

### **8.3 Highway Authority – No comments.**

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

9.1 No comments to make.

## **10.0 Representations**

10.1 No comments have been received.

## **11.0 Parking Provision**

11.1 Eight car parking spaces would be provided.

## **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**

15.1 The overall design of the proposed dwelling is very similar to the approved replacement dwelling and as such the design changes to the dwelling do not raise any concern. The design is modern and it is considered to be an exemplar. That the Parish did not object to the original application or the current proposal means that the Parish must be satisfied that the design of the dwelling raises no conflict with the West Bergholt Village Design Statement. There are no neighbours close enough to the site that could be overshadowed or overlooked. Likewise, the parking provision does not raise any issues.

15.2 The area for concern is that whereas the dwelling approved under 144681 kept the replacement dwelling in the existing curtilage of Wickhams, the current proposal moves the dwelling some distance outside the existing curtilage and into the paddock/field to the east. The proposal would actually push the new dwelling 45 metres away from the previously approved location and some 30 metres outside of the existing curtilage. The existing curtilage would then be utilised as a 90 metre long driveway to the new dwelling as well as being landscaped. The justification for this change, given in the Planning Statement, is that the amended siting would better

accord with the emerging landscaping work for the site. The applicant owns large areas of land to the north, east and south of the site and they are proposing some substantial planting and landscaping works outside of the red line, but inside the blue line. In their landscaping scheme they would reinstate hedges and plant woodland as well as having flower meadows, paddocks and parkland. It is noted that the Council's Landscape Officer has not raised an objection to the proposal and given the amount of planting proposed to an area which has only boundary trees and hedges this is unsurprising.

- 15.3 However, the view of Planning Officers is that the landscaping being proposed could be undertaken without the need to reposition the dwelling and by keeping the dwelling in its already approved location – within the existing curtilage. In addition, much of the landscaping would take many years to establish. By pushing the dwelling further away (110 metres) from Colchester Road the dwelling would jut out into the countryside and this would be contrary to the (albeit very limited) pattern of development along Colchester Road – which is all closely located beside the road – with none having such long drives to reach the residence.
- 15.4 It is considered that pushing/repositioning the residential curtilage further into the countryside is undesirable and could well set a precedent for other dwellings along Colchester Road to do the same. For these reasons the proposal is considered to be contrary to Policy DP1 as it does not respect the pattern of development in the area which is all linear to the highway. Policy DP13 does not specifically refer to extensions of domestic curtilages into the country but the explanation to the policy does (at paragraph 5.15). The explanation states that 'proposals for extension of a domestic garden into open countryside will not be permitted if they have a material adverse impact on the surrounding countryside.....or would set a precedent for unacceptable extensions to gardens at one or more neighbouring properties'. As it is considered that the proposal would not respect the pattern of development along Colchester Road and could well set a precedent for other neighbours, the proposal is contrary to DP13. That the proposal would not respect the pattern of development it would fail to harmonise with the local character and therefore also be contrary to Policy ENV2.

## **16.0 Conclusion**

- 16.1 It is concluded that the design of the dwelling itself is acceptable but the intrusion of the curtilage into the open countryside is unacceptable as it would be contrary to the pattern of development in the area which is all linear to the highway and it would set a precedent for neighbours.

## **17.0 Recommendation**

- 17.1 REFUSE planning permission for the reasons set out below.

### **1 - Non-Standard Refusal Reason**

The proposal for a replacement dwelling and its curtilage to be relocated further away from the existing residential curtilage and into the countryside is unacceptable as it would result in the dwelling and curtilage being contrary to the pattern of development in the local area, would push a residential curtilage into the open countryside and would set a dangerous precedent for neighbouring properties. Policies DP1 (Design and Amenity) and DP13 (Dwelling Alterations, Extensions and Replacement Dwellings) of Colchester Borough

Council;s Local Development Framework Development Policies (adopted October and revised July 2014) and Policy ENV2 (Rural Communities) of the Council's Core Strategy (adopted December 2008 and revised July 2014) support development that respects patterns of development, harmonise with the local character and in regards to extending residential curtilages into the countryside would not set a precedent for unacceptable extensions at neighbouring properties. In these regards the proposal fails to meet the policy criteria.

## **18.0 Positivity Statement**

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing these with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.