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<b>Item No:</b>	7.1
<b>Application:</b>	162925
<b>Applicant:</b>	Mr Franco Murgia
<b>Agent:</b>	Mr Malcolm Ashenden, Ashenden Associates
<b>Proposal:</b>	Proposed dwelling.
<b>Location:</b>	57 Dunthorne Road, Colchester, CO4 0HZ
<b>Ward:</b>	St Anne's & St John's
<b>Officer:</b>	Eleanor Moss
<b>Recommendation:</b>	Approval

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

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

*Reasons stated in residents objections. Design layout highway issues.*

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the design and layout of the scheme, the impact it will have on highways safety and the impact the scheme will have on neighboring amenity.
- 2.2 The application is subsequently recommended for approval

## **3.0 Site Description and Context**

- 3.1 The site lies within a predominantly residential area within which buildings vary in design, size, building line and appearance. Consequently, there is no obvious uniformity in the built form along Dunthorne Road and Green Lane, with the eclectic mix of properties creating some visual interest to the local street scene.
- 3.2 In this context there are few references that could be considered for new buildings and therefore applications should be appraised on the merits of the design and its relation to the site.
- 3.3 The site comprises a detached dwelling set in a large plot. The property has one existing vehicular access, via Dunthorne Road. The proposal seeks to appoint an access via Green Lane to serve the proposed dwelling. Currently there is no dropped kerb via Green Lane and applicant would need to apply to Essex County Council should they wish to create a dropped kerb.

## **4.0 Description of the Proposal**

- 4.1 This application seeks planning permission for the erection of a detached dwelling to the rear of 57 Dunthorne Road, access is to be provided via Green Lane. The proposal includes an attached garage.

## **5.0 Land Use Allocation**

- 5.1 Predominantly Residential

## **6.0 Relevant Planning History**

6.1 An application for a detached bungalow on the site had previously been submitted in 2002. The proposal was refused and subsequently dismissed at appeal for the following reasons:

6. The appellant says that each of the 2 dwellings would have a garden area of over 100 sq.m. I am more concerned with the quality of that space. The plans do not show where the boundary between the gardens for No. 57 and the new cottage would be. I appreciate that the cottage would be for a parent and that the intention may be for garden space to be shared between the occupants of the 2 dwellings. But I agree with the Council that any such sharing would almost inevitably have to come to an end in the long term, irrespective of any planning condition. If the boundary between the 2 dwellings were to lie halfway between the shortest distance between them the resultant garden space for each would be no more than 2m deep for much of its width. That would be inadequate to serve much purpose, and a satisfactory standard of privacy for those garden areas could only be provided by screening that would result in an overwhelming sense of enclosure.
7. The proposed cottage would, admittedly, have a front garden area about 8m deep and nearly 5m wide to the west of the proposed vehicular and pedestrian access. But that would be an inadequately small area affording very little privacy from the road.
8. I conclude that the appeal project fails in relation to issue (a).

6.2 It is worth noting that this previous refusal pre-dates current adopted policy and the current scheme must be determined on different standards and up-to-date policy.

6.3 It is also worth observing that the previous refusal was not dismissed on the grounds that it was out of character for the area. The submitted scheme is two storeys in height and demonstrates garden sizes and parking in compliance with adopted standards.

## **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  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR2 - Built Design and Character  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ER1 - Energy, Resources, Waste, Water and Recycling

- 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  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage

- 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 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  
Backland and Infill  
Sustainable Construction  
Sustainable Drainage Systems Design Guide

## **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 Highway Authority – Revised comment, no objections

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

*Conditions relate to the access being at right angles to a depth of 3.7 metres and with a dropped kerb; no unbound materials and parking provision being to standard as well as details of cycle storage being agreed. See conditions at the end of this report.*

- 8.3 Urban Designer – no objections: The development is well designed to mitigate existing and proposed residential amenity (e.g. privacy, garden size, shadowing, outlook), at least seemingly to satisfy adopted policy. It would also be of reasonable visual design quality, subject to clarification on a number of details (e.g. eaves, door-surround, pentice board, carport door) which might be conditioned. However, I would query the proposal given the relatively narrow shared street (approximately 5m wide) which appears possibly unsuited to intensification taking into account the existing density of development and that the street doesn't appear to allow for adequate two-way vehicular access (e.g. when large vehicles are involved) and/or the likely demand for on-street parking (to allow large vehicles to pass). Notwithstanding this primary concern which should be checked with Highways, the rear parking should be clarified as a car port as implied by the site layout (i.e. with drive protruding to the rear), given it appears as a garage on the front elevation. I would also query the loss of trees and hedgerow with the relevant officer/s.

*OFFICER COMMENT – The Highway Authority did not object to this aspect, therefore it cannot be carried forward as a reason for refusal. Similarly, tree issues have been resolved.*

## 8.4 Landscape Officer – no objections

The following condition(s) are recommended once proposals have been agreed and/or as part of any planning consent given in order to secure a detail landscape scheme.

*The condition relates to a landscaping scheme – see full condition at end of report.*

## 8.5 Tree Officer – No objection

I am in agreement with the conclusions of the report provided. The proposal does require the felling of a number of trees within the garden area but none would merit tree preservation order.

*Conditions at end of report.*

## 9.0 **Parish Council Response**

### 9.1 Non-Parished

## 10.0 **Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighboring 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:

- Concerns regarding privacy on the opposite side of Green Lane
- Concerns regarding emergency traffic hindrance
- Concerns regarding highways safety
- Proposal will make it harder for residents to park on their own drive safely
- Lack of adequate parking along Green Lane as it is
- Refuse collection and street cleaning along Green Lane is already difficult due to the narrowness of the road
- Discrepancies between boundaries
- Inaccurate drawings
- Proposed scheme is out of character with the area
- Impact upon visual amenity
- Concerns regarding height of the dwelling
- Proposal would create an overbearing impact
- Loss of trees
- Concerns regarding surface water drainage
- Overdevelopment of the site
- 'Garden grabbing'
- Previous refusal in 2002
- Dangerous increase in traffic utilising a narrow lane

## **11.0      Parking Provision**

11.1      This scheme provides an attached garage and an off-road car parking space, totalling two off road car parking spaces which comply 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 The redevelopment of this rear garden area of number 57 Dunthorne Road is acceptable in principle. This area is currently well-screened by existing trees and well maintained by the existing owners but this does not mean it cannot be developed sensitively.
- 15.2 As noted in the planning history section above, permission for a dwelling on this site was refused over 10 years ago. It is important to note that it was assessed against different policy criteria – in particular the area is located within the settlement limits and as such it is considered to be in a sustainable area. Furthermore, the site is not located in the Conservation Area.
- 15.3 The NPPF and Development Plan policies do require high quality design and also require development to respect and enhance the character of the area. It is held that this scheme allows one dwelling in a manner that reflects the character of the area. It is not considered that the garden area to the rear of number 57 is so important to the character of the area that the Council should attempt to preserve it as such.

### Design and Layout

- 15.4 The application site is within the defined settlement limits where there is a presumption in favour of the development. The ribbon development and architecture give the surroundings an edge of settlement rather suburban character. The proposed designs are fairly modest and provide for a dwelling which has more of a rural cottage character. This is considered to be acceptable for this area.
- 15.5 Although there are a number of bungalows within the street, it is not harmful in itself to provide for two-storey dwellings within the application site. This is because older houses frequently appear within rows of ribbon development that have developed alongside them. The designs are not unattractive and the form, proportions and detailing are consistent with each other.
- 15.6 Next door (north-west), No.1 Green Lane is a modest, detached, single storey bungalow. The immediate area north of the site is primarily a ribbon of two-storey dwellings of modest height; dormer windows on the front elevation are a common feature here in order to provide for a first floor. Again, within sight of the plot are other single-storey bungalows and two-storey houses.

- 15.7 In conclusion, the area is mixed in character and a variety of dwelling types could be introduced without necessarily harming the character. A two storey building within this area, as proposed, would be in keeping with the area and would not have a negative impact upon the street scene when viewed from the public realm.

#### Impact on Neighbouring Properties

- 15.8 Guidance in Supplementary Planning document 'The Essex Design Guide' states that a 45 degree combined plan and elevation angle from the mid-point of windows should be preserved. This proposal complies with this test.
- 15.9 The proposal has been quite carefully designed so as to minimise harmful impacts on neighbour's amenities. There are no ground floor or first floor windows on the side elevations and as such there would be no loss of light, outlook or privacy to No.1 Green Lane.
- 15.10 The proposal includes first floor dormer windows on the front elevation and concerns have been raised that these will create direct overlooking to the opposite residents. 'The Essex Design Guide' stipulates that 10 metre spacing should be preserved between opposite house fronts in a street. In this instance, a separation distance of over 10 metres remains.
- 15.11 In summary, it is not considered that there would be any harm upon outlook or loss of light to the neighbouring properties and any impact upon residential amenity would be negligible.

#### Highways and Parking

- 15.12 A number of concerns have been raised regarding access and parking to the site creating an increased amount of traffic congestion, in turn adding to the existing on-road parking in the area. While this is noted, this is an existing problem within the area and a new dwelling on site would not create any undue increase in traffic congestion or off-road parking. The application provides for car parking provisions which comply with the standards and the Highway Authority has not objected to the scheme. Moreover, it is beyond the capabilities of the Local Planning Authority to overcome an existing on-road parking issue.
- 15.13 The application complies with the required car parking standards and as such the scheme is considered to be acceptable from a highways perspective.



## Trees

- 15.14 Whilst there are various small garden trees and hedges bordering the site, none are protected and all could be removed at any time without the Council's permission. In any case, none are such that they could not be easily replaced with others of similar or better quality.
- 15.15 The proposal will result in the loss of trees facing onto Green Lane, however these trees are not of high quality to resist their removal. The Arboricultural Planning Officer has assessed the scheme and the submitted Tree Survey and is happy that the scheme can be built subject to tree protection measures being conditioned. On balance, the removal of trees on site is considered to be acceptable.

## **16.0 Conclusion**

- 16.1 To summarise, this development is proposed in a sustainable area of Colchester that does not benefit from any particular designation. The scheme proposes an attractive and well detailed dwelling befitting of the area. It is not held to cause material harm to the character of the area nor to neighbouring amenity. It would also provide a modest contribution to the Council's housing stock. The scheme is, therefore, held to comply with the NPPF, the PPG and the Development Plan and therefore an approval is warranted.

## **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. \*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 1096/1 (submitted on 16 January 2017), 1096/2A (submitted on 22 December 2016) and 1096/3 (submitted on 16 January 2017).

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

### **3. ZBC - Materials to be agreed**

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

### **4. Z00 – Bespoke - Removal of PD for Residential Extensions**

Notwithstanding the provisions of Classes A, B, C and D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions shall be erected, this also applies to the donor dwelling called 57 Dunthorne, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

### **5. ZFK - Smallscale Residential Boundary Treatments**

No works shall take place until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

### **6. Z00 – Bespoke – Vehicle Access**

Prior to first occupation of the proposed development, the proposed vehicular access onto Green Lane shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

### **7. ZIF – No unbound materials**

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

#### **8. Z00 – Bespoke – Parking Space**

The parking space / vehicular hardstanding's shall be constructed to minimum dimensions of 6.0m x 3.0m.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

#### **9. Z00 – Bespoke – Cycle storage**

Prior to commencement of the proposed development, details of the provision for the storage of bicycles, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To promote the use of sustainable means of transport.

#### **10. Z00 – Bespoke – Car Parking standards**

All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

#### **11. ZDM - Retaining Garage for Parking**

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

#### **12. ZIW - \*Single Garage Dimensions\***

The single GARAGE(S) shall have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

#### **13. ZFQ - Tree and Natural Feature Protection: Protected Areas**

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been protected as shown in the Arboricultural Impact Assessment produced by Oisín Kelly dated 14<sup>th</sup> March 2017 (Ref: 313). All agreed 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.

#### **14. ZFS - Tree and Hedgerow Protection: General**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

#### **15. ZFT - Tree and Hedgerow Protection: General**

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

#### **16. ZFU - Tree Canopy Hand Excavation**

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

#### **17. ZFC - Simple Landscaping Scheme Part 1 of 2**

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development. Any trees or shrubs which, within a period of 5 years of being planted die, are removed

or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

## **18.0 Informatives**

18.1 The following informatives are also recommended:

### **1. Non Standard Informative – Highways**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at

[development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

### **2. Non Standard Informative – Landscaping**

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B @ <http://www.colchester.gov.uk/article/13592/Landscape-Guidance-for-Developers>.

*Link to: [Notes for Applicant/Agent](#) – please refer to when instructing landscape consultant and/or before contacting landscape planning officer*

### **3. Non Standard Informative -Trees**

It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant – details of local practices available through Arboricultural Officer on 01206 282469 (am only).

In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

### **4 - 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](http://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.