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Item No: 7.5

Application: 162872

Proposal: Single storey side infill extension. (Retrospective)

Location: 3 Egret Crescent, Colchester, CO4 3TX

Ward: Greenstead

Officer: Chris Harden

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Young who considers this is a scheme to create a House In Multiple Occupation (HMO) by the back door. "They have persisted in building at this site despite officers' frequent interventions to stop building work continuing. This application needs to be considered by the planning committee to allow residents the opportunity to address the committee. Promises made to make alterations to the front of the property to provide additional room for cars to park have not been fulfilled."

2.0 Synopsis

- 2.1 The key issues for consideration are the design, scale and form of the side extension, together with consideration of any impact upon neighbouring residential amenity and the assessment of the extent of retained amenity space.
- 2.2 In this case the design, scale and form of the extension is considered acceptable and would not visually detract from the character of the street scene. There would be no impact upon neighbouring amenity and adequate private amenity space would be retained. The scheme has no implications for highway safety. The application is simply for the side extension and not for an HMO.
- 2.3 The application is subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The detached four bedroom dwelling lies within a housing estate and has neighbouring properties on either side and to the rear. An extension has already been constructed between the dwelling and the garage and this is the subject of this retrospective application. A conservatory has also been recently constructed to the rear and this was Permitted Development.

4.0 Description of the Proposal

- 4.1 The proposal is a retrospective application for the retention of a small side extension that has linked the dwelling to the garage. The extension would comprise 3.25 sqm. The garage was previously detached and separated from the main house by a small private path.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 Application 162176: recently approved Lawful Development Certificate for a rear conservatory and works to the garage to form home gym. There was a recent refusal (161415) to convert the dwelling to an HMO with eight bedrooms on the grounds of over-intensification of use of the site, including a lack of parking.

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
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

- 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
Sustainable Construction

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 Councillor Julie Young objects to the application and states: "This application needs to be rejected. The applicant has flouted planning law and is attempting to create an HMO by the back door. They have persisted in building at this site despite officers' frequent interventions to stop building work continuing. This application needs to be considered by the planning committee to allow residents the opportunity to address the committee.

Promises made to make alterations to the front of the property to provide additional room for cars to park have not been fulfilled necessitating on road parking which is causing a hazard as this is a busy road."

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 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 Three letters of objection have been received which make the following points:
- When the original plans were put in, it was refused at first because of the amount of cars that would be there. They said the cars would be parked at the front of the house. They have put shingle down with blocks around the edge so NO CARS ARE ABLE TO PARK THERE and as most of the residents expected they are parking along the road making it dangerous!!!
 - Owner said they would be digging all of the very high hedge out as the residents at number 5 cannot reverse out of their drive because the hedge is blocking their view.
 - This property has sight lines on the title deeds indicating that the boundary was not the full length of the front garden. These sight lines extended across the front garden of 3 Egret Crescent, but have currently been gravelled over and included within the entire front of the proposal. If parking is allowed or indicated across this, it is not in line with deeds or, in fact, the boundary of the property.

- Previous owners of the property maintained an area of land beyond the sight lines and next to the path but land registry may show this to be beyond the boundary of the property, and potentially not belonging to the property.
- Regardless, the sight lines should be respected for the safety of traffic and measures put in place to ensure that they remain clear of obstruction, temporary or permanent.
- Extremely concerned by this proposal and fully endorse Councillor Young's comments. The original proposal to create a HMO was rejected. Despite this, building work continued and now retrospective permission is being sought. This is a clear breach of planning and cannot be allowed to stand. The front garden of this property has now been gravelled over (contained within a raised bed of concrete kerb stones) making it impossible for parking to occur. Any parking therefore has to occur on the road, which as many residents stated in the original plan is downright dangerous.
- It appears that there house is currently occupied. I would be very interested to see (and would not be surprised if) the property is indeed an unregistered HMO.
- I believe that the rooms inside have been converted for use as a HMO and would no longer be suitable as a family property. The only reason a side extension would be needed at this address is to create social living space for a house designed as a HMO. Allowing this application to proceed rides roughshod over the planning process and would make a mockery of it.

11.0 Parking Provision

- 11.1 There is a hard surfaced area that could accommodate 3-4 cars, plus a garage.

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 Principle: Firstly, having regard to the above comments received, it should be noted that this is not an application for a House in Multiple Occupation. (HMO). The application is for an extension to a four-bedroomed dwelling. Therefore, the proposal should be judged on the merits of the extension itself.
- 15.2 Design, Scale and Form of the extension: It is considered that the design, scale and form of the extension work is visually acceptable and would not detract from the character of the existing dwelling or street scene. The extension is very small in scale and is simply an infill between the dwelling and garage. A property nearby on the opposite side of the road has a similar extension so this extension would not be at odds with its surroundings. It is therefore considered the extension is visually acceptable in this context.
- 15.3 Highway Safety: There are three to four car parking spaces available at the front of the property plus a garage space. The extension does not create an additional bedroom and does not affect car parking provision or visibility splays. Therefore, there is no reason to object to the scheme on highway safety grounds.
- 15.4 Impact Upon Neighbouring Residential Amenity: The extension attaches the dwelling to the garage and therefore is within the site, well away from neighbouring properties. There is, therefore, no overbearing impact upon neighbouring properties and there would be no loss of light caused. There are no windows that would cause any overlooking issue. Overall there would therefore be no impact upon neighbouring residential amenity.
- 15.5 Other Matters: It is considered that the extension has had no significant impact upon the provision of private amenity space owing to its small size, including small extent of floor area. No vegetation was affected from its construction.

16.0 Conclusion

- 16.1 In conclusion, the design, scale and form of the extension is considered acceptable and would not visually detract from the character of the street scene. There would be no detriment to highway safety from the proposal. There would be no impact upon neighbouring amenity and adequate private amenity space would be retained. It should be noted that this application is simply for the retention of an extension and does not relate to the formation of an HMO.

17.0 Recommendation

- 17.1 The recommendation is therefore:

APPROVAL of planning permission subject to the following conditions set out below.

18.0 Conditions

(1) Development to Accord With Approved Plans

The development hereby permitted, which relates solely to the single storey side infill extension, is that shown on the submitted Drawing Numbers: C101, C102, C103, C104, C105, C106, C107, C108, C109, C110, C111, C112, C113, C114, C115 received 23/11/16.

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