



Application No: 160021

Location: 19 Oxford Road, Colchester, CO3 3HW

Scale (approx): 1:1250

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7.3 Case Officer: Eleanor Moss Due Date: 29/04/2016

HOUSEHOLDER

Site: **19 Oxford Road, Colchester, CO3 3HW**

Application No: **160021**

Date Received: 18 January 2016

Applicant: Mr Ian Newman

Development: Construction of a detached garage to complement the existing property. Access via Keble Close by making an opening in the existing red brick wall. The existing wall is unsafe and requires rebuilding from ground level upwards.

Ward: Christ Church

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Councilor Hardy requested Committee determination in light of the concerns registered by nearby residents and for the following reason:

Keble Close residents are concerned over road safety and highway issues with this application. The proposed breach in the wall will allow limited sightlines for a vehicle when exiting into Keble Close causing a hazard to drivers and pedestrians. It will also remove the one parking space not attached to any dwelling in this tightly planned culdesac which is in addition to the lost parking spaces in Creffield Road caused by the building of three houses on the land also previously part of Joyce Brooks House. This removal is a further loss of amenity to local residents. The garage owner of 21 Oxford Road will experience even greater difficulty when using the entrance to his facility as the space available will be further curtailed. Other Victorian brick walls have been repaired in Christ Church with damaged/missing areas replaced with matching materials so there is no cause to breach this one.

2.0 Synopsis

- 2.1 The main issues for consideration relate to the impact that the development would have upon the existing dwellinghouse which is locally listed, neighbouring properties and street scene, the wider Conservation Area and highways safety. Owing to the minor nature of the proposal it is considered that the development would be acceptable in its form, and would not create a significant detrimental impact upon the amenity of the surrounding dwellings or Conservation Area. Due to the registered concerns regarding highways safety, consultation has taken place with Essex County Council Highways who does not raise any objections to the scheme and confirms the proposed new access affords greater visibility than the existing situation. The application is therefore recommended for approval.

3.0 Site Description and Context

- 3.1 19 Oxford Road is a locally listed building in the Colchester Area 2 Conservation Area. It is a symmetrical villa type house dating to the late 19th century. To the north of the application site is Keble Close which is a small residential cul-de-sac, there is a turning area within the centre of Keble Close and a number of access/exit points which use this space. There are also a number of garages within Keble Close which are of varying types and design.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the erection of a detached garage to the rear of 19 Oxford Road. The proposed garage is to be access via Keeble Close, which is a cul-de-sac to the north of the application site.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 144958 - Change of use from 7 no. flats to a single dwellinghouse. Approved.

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
- TA5 - Parking

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

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:

- Vehicle Parking Standards
- Extending Your House?
- The Essex Design Guide

8.0 Consultations

8.1 Essex County Council Highways has reviewed the objections to this application and has provided a detailed response raising no objections to the scheme. The detailed response is provided within paragraph 15.6 of this report.

8.2 The Archaeological Officer has raised no objections to this scheme, provided a number of conditions are incorporated as part of any planning permission. The recommended conditions have been included within paragraph 18.0 of this report.

8.3 The Tree Officer has raised no objections to this scheme, provided a number of conditions are incorporated as part of any planning permission. The recommended conditions have been included within paragraph 18.0 of this report.

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations

10.1 9 letters of objection have been submitted with regards to this application, the concerns are raised as follows:

1. Why does a garage have to be accessed via Keble Close and not Oxford Road?
2. Keble Close has very limited parking and this application would impact on this.
3. Keble Close is very congested and this application would impact on this.

4. Residents of Keble Close struggle to enter and exit already due to illegal parking.
5. Small children use this area to walk to school and could be harmed.
6. Due to the narrowness of the proposed access, this could create an impact upon safety.
7. The proposed access will require a dropped kerb.
8. The proposed design is not in keeping with the original dwelling.
9. Lack of privacy between the application site and 5 Keble Close.
10. The proposal is not in keeping with the Conservation Area.
11. The proposal will affect the current car parking arrangements.
12. The proposal would impact upon the visiting district nurse.
13. Proposal will impact upon access and exit of garage at 17 Oxford Road.

In response:

1 - The applicant has been asked if he would consider a garage towards the front of his property, accessed via Oxford road rather than Keble Close. The applicant is not willing to position a garage at the front of his property and positioning a garage to the rear is considered to be beneficial as it ensures there is less visual impact to the original dwelling and in compliance with the advice set out in the Essex Design Guide.

2, 3, 4, 5, and 6 – Are registered concerns regarding impact upon highways safety. In order to address issues, the Essex County Council Highways department has been consulted and provided a response to address the concerns. Will be addressed further in the below report.

7 – The provision of a dropped kerb is determined by Essex County Council and cannot be considered by the Local Planning Authority.

8 – Will be addressed further in the below report.

9 – This application is to provide a single storey garage to the rear of the property. Overlooking is already common at Keble Close, as such it is not considered that this would cause any additional overlooking as there are no proposed first floor windows.

10 – Keble Close is the Colchester Area 2 Conservation Area, further design considerations will be addressed below.

11 – Is a registered concern regarding impact upon highways safety. In order to address issues, the Essex County Council Highways department has been consulted and provided a response to address the concerns. Will be addressed further in the below report

12 – This is considered to be a parking issue which will be discussed more in depth in the report. Unfortunately it goes beyond the scope of this application to create a parking space for the district nurse and would be unreasonable to do so.

13 – Private issues between neighbours, such as private rights of access, are not material planning considerations and are beyond the scope of the Local Planning Authority as it is not relevant to the decision and should not be taken into consideration.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 This application seeks permission for the erection of a new garage and would provide parking in excess of 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 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

Principal of development

- 15.1 The application site lies within the urban centre of Colchester within Christ Church ward, and is unusual in its contemporary design however would be in keeping within the site context and is set to the rear of the property, in Keble Close where there are a number of other garages. In accordance with Policies DP1 and DP13 of the Development Policies 2010 (as amended in 2014), developments should respect and enhance the character of the site, protect existing amenity, create a safe environment, be subservient to the site to which they relate and be sympathetic to the immediate area and the wider surroundings.
- 15.2 It is considered that the proposal is considered to adhere to the aforementioned policies and thus recommended for approval. It is worth noting that the authority for highways safety has not raised any concerns to this proposal, and Officers with Conservation backgrounds have also been consulted and have not raised any objections to the proposal.

Design and Impact on Surrounding Area

- 15.3 The proposed garage is to measure 8.8 metres wide and 5 metres deep, and be constructed of rendered white walls, a grey zinc roof and timber windows and doors to match the existing dwellinghouse. The height of the proposal is to reach 2.3 metres and 3.1 metres to the eaves and roof ridge respectively. The proposed garage is mono pitched and low profiled and this reduced its visual impact on the street scene. Three small glazed windows are in the side elevation in order to provide natural light into the space and face into the applicant's private amenity space.

- 15.4 The proposed garage is proposed to be constructed of white render walls and zinc roof. The design is considered to be contemporary however it is worth noting the rear of 19 Oxford Road is of contemporary nature. A zinc canopy has already been successfully installed to the rear and it is important to appreciate that the proposed garage will be read within the context of the rear of the application site where contemporary already exists. As such, it is considered that a contemporary design will be an in keeping and complimentary addition at the rear of 19 Oxford Road and will not cause an adverse effect upon the Conservation Area.
- 15.5 It is also important to note that a large proportion of the proposed garage and zinc roof will not be visible from the public realm. The boundary wall will provide an effective screen to the proposed garage and as such only the garage roof, white render walls and a small section of zinc which will be read as a small parapet wall will be visible. On balance, it is not considered that the proposal will create a negative impact upon the original dwelling or wider area.
- 15.6 Overall, the proposed garage is to be relatively simple and contemporary in its design, with materials to match the rear of the existing dwellinghouse. Its minor nature as a proposal for a single domestic garage is considered to have a low impact upon the existing dwellinghouse, and will not come to the detriment of its wider Conservation Area.

Neighbour amenity

- 15.7 Owing to its proposed use, the distance that it will be from neighbouring properties, existing garages within the area and the existing boundary treatments around the perimeter it is considered that the proposed garage will have a limited impact upon the visual and local amenity of Keble Close. The development will not look out over neighbouring gardens or into homes due to its design, with the only proposed windows facing into the applicant's private amenity space. It is not considered that the dimensions of the garage are unsuitable for its purpose. It is single storey, with materials to match the rear of the existing dwellinghouse. The garage shall be conditioned accordingly to ensure that the development is used for private domestic use and storage ancillary to 19 Oxford Road only. The existing fencing and brick wall is not considered to be of high amenity value at present and it has been agreed with the applicant that improvements to this wall would be as part of any planning permission in order to improve the visual amenity. On balance, it is not considered that the proposal would create a negative impact upon neighbouring amenity and any impact would be marginal.

Scale and massing

- 15.8 It is considered that the garage would not have an overbearing impact on the neighbouring dwellinghouse in terms of scale and massing. Furthermore, the erection of the extension and the garage would leave an adequate area of garden ground remaining and would therefore not result in the overdevelopment of the site.

Highways

- 15.9 As mentioned above, the majority of concerns from the neighbouring residents are the implications on highways safety that the proposal could create. As such the Strategic Development Engineer at Essex County Council has been consulted in order to address these concerns. The following detailed response has been provided:

This Authority has assessed the highway and transportation impact of the proposal and has taken regard to the following aspects;

1) Keeble Close at times is heavily used by school traffic which is known to affect existing access points in the road. However, the generation of this traffic and the hindrance to access is an existing problem and cannot be attributed to this development proposal. If local residents are concerned that this existing obstruction to access requires action then it is an enforcement issue and not one to be considered through the planning process.



2) It is known that concerns have been raised regarding the visibility at this new access and the aforementioned sporadic increase in pedestrian traffic at school collection/drop off times. The new access point is to be placed alongside an existing garage shown in this picture. Pedestrians travelling from left to right across this photo, and approaching the garage door cannot be seen by any vehicle egressing the garage. The new access affords greater visibility than the existing situation. Were this situation inherently dangerous in this location, it would be reflected in the accident figures for this road. However, the information on the Essex County Council accident [website](#) shows that the turning head in Keeble Close has no reported accidents.



3) From assessing objector comments it is noted that the type of vehicle to use this access is quoted as being a Camper Van and other cars are to remain parked at the front of the property. This type of vehicle is generally not used as an 'everyday' form of transport and therefore the number of times it will be using the new access will not be with the same frequency of a private car. Any conflict can be further minimised as use of a Camper Van is not generally constrained to a time period; i.e. private vehicles used for work are constrained by the hours of the working day, whereas times for setting off on holiday are more fluid and can be arranged to accommodate any school drop-off/collection periods. The level of conflict between existing traffic and the user of the access is therefore minimal

Having regard to all of the above this Authority is content that no highway safety or efficiency issue will be created by this proposal and does not wish to raise any objection to the above application subject to the following:

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

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

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- 15.10 This is a full application and as such means of access to the rear of the site is to be considered. The detailed consultation comments from the highway officers have been set out in the paragraph above. Essentially, there is no highway objection in principle to this proposed development
- 15.11 As noted above, while the current traffic and parking situation at present affects the existing access and exit points in Keble Close, this is a current problem and is sympathised with however it would not be fair to blame this application for the situation. Nor would it be appropriate to blame this application for any future illegal parking or additional traffic generation at school collection/drop off times.
- 15.12 The highways officer has noted that the new access point is to be placed alongside an existing garage shown in the above picture. A number of concerns have been raised regarding children walking along the path, and approaching the garage door cannot be seen by any vehicle egressing the garage. The Highways officer confirmed the new access affords greater visibility than the existing situation and the speeds and volume are very low in this area. Further, the fact that the extent of the wall to be removed allows for retention of the residents' parking space means the impact on the highway network is going to be limited. On balance it is considered that there will be no detrimental effect on highway efficiency or safety.
- 15.13 As the Highways Authority does not wish to raise any objections to the proposal, the concerns raised are not considered to warrant a refusal in this case. Discrepancies relating to illegal parking are a matter for parking enforcement and not a matter for the Local Planning Authority. In addition, concerns raised regarding rights of access to garages are a civil matter which cannot be a part of this planning application. Having examined the objections, the planning matters raised have been dealt with accordingly by means of clarification by the Highways Authority and a subsequent agreement to planning conditions. Concerns relating to illegal parking on the highway, access/exit obstruction and access rights are not considered to be planning matters and accordingly it is recommended that the objectors seek legal advice or advice from parking enforcement in these matters.

Trees

- 15.14 The scheme has been amended from the original submission, in so the existing trees are to be removed. The tree officer has been consulted upon this amendment and has not raised any concerns. The trees are to be replaced by semi-mature trees which will enhance the amenity of site. The tree officer has recommended conditions which will be included as part of planning permission.

16.0 Conclusion

- 16.1 The design of the proposed garage is appropriate and is designed to minimise impacts upon the neighbouring properties and surrounding area. The application has been consulted with archaeology, highways, conservation and tree officers with no objections or concerns being raised. The proposed garage would not appear out of character in the street scene or as an overly prominent addition. Highways safety has been fully assessed by the Highways Officer and has confirmed they are content that no highway safety or efficiency issue will be created. Your Officer therefore recommends approval.

17.0 Recommendation

17.1 APPROVE 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 Numbers 1093/02, 1093/01, 1093/KC and 1093/SK01A.

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 commencement of any development, precise details of the specification of the boundary walls and treatment shall be submitted to and approved, in writing, by the Local Planning Authority and the work shall be carried out in complete accordance with the approved specification.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been previously submitted to and approved, in writing, by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

a. The programme and methodology of site investigation and recording.

b. Provision to be made for analysis of the site investigation and recording.

- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

7 -Non-Standard Condition/Reason

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). 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.

8 - Non-Standard Condition/Reason

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) 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, by 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.

9 - Non-Standard Condition/Reason

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.

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.

(3) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ

(4) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required

(5) PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.