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**Item No:** 7.8

**Application:** 170154

**Applicant:** Mrs Claire Ferguson

**Proposal:** Retrospective application : replacement of existing conservatory with a rear single storey extension and side single storey extension (at the back of the garage).

**Location:** 55 Keelers Way, Great Horkesley, Colchester, CO6 4EF

**Ward:** Rural North

**Officer:** Benjy Firth

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because the applicant works for the Council.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the design of the proposal and its impact on the amenity of the neighbours, both of which are considered to be acceptable. It is set out how the proposal complies with adopted design guidance and is not harmful to the appearance of the dwelling, or to local character. It is furthermore established that, whilst there will be some harm to neighbours' outlook and light, such harm would be within acceptable bounds.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site sits on the south side of Keelers Way, within the defined settlement boundary of Great Horkesley and contains a single semi-detached residential property. Significantly varied ground levels can be observed along Keelers Way and as such the rear garden of number 55 sits at a higher level than at the front of the house and the neighbouring adjoined property at number 57.

## **4.0 Description of the Proposal**

- 4.1 The proposal seeks permission for a single storey rear and side extension alterations to the existing porch. The application is retrospective as the majority of the work has been completed.

## **5.0 Land Use Allocation**

- 5.1 The site is within the defined settlement limits and has no relevant allocation.

## **6.0 Relevant Planning History**

- 6.1 Planning permission was previously granted (142910) for a single storey rear and side extension, and a two storey side extension. The previous permission would not be implementable were this application to be 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 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:

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

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide

External Materials in New Developments

## **8.0 Consultations**

- 8.1 No comments were received.

## **9.0 Parish Council Response**

- 9.1 No comments were received.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. One consultation response was received, an objection, from the occupants of the neighbouring property at 57 Keelers Way. 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:

- The objection highlighted inaccuracies in the applicants planning statement regarding conversations between the two neighbours and the description of the extensions location
- The objection stated that the proposed pitched roof over the porch would not match the existing porch at number 57 and would be out of keeping with the surrounding area.
- The objection highlighted variances between the previously approved permission and what has been built. Including, increased height, length and proximity to the boundary.
- The objection raised concerns that the neighbours had not had the opportunity to comment on the extension subject of this application.
- The objection highlighted that the building was built without planning permission.

- The objection raised concerns regarding a loss of light to the garden of number 57.
- The objection raised concerns regarding a loss of outlook from the French doors on the rear elevation of number 57.
- The objection raised concerns regarding the length of time the construction works have taken and the hours at which they have been conducted.

## **11.0 Parking Provision**

11.1 The proposal retains adequate parking provision to the front of the property to comply with policy.

## **12.0 Open Space Provisions**

12.1 The proposal retains adequate private amenity space to comply with policy.

## **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**

### The Proposal

15.1 The proposed rear extension comprises of two elements essentially, an extension to the rear of the dwelling and an extension to the rear of the garage. The extension to the rear of the dwelling extends beyond the width of the dwelling to overlap and connect with the extension to the rear of the garage. The key dimensions of note relate to the extension to the rear of the dwelling which is 4m deep, 6.1m wide and 2.4m tall at its rear. It should be noted the ground level to the rear of the host dwelling is 60cm lower than the garden (at which point the height of the extension is measured), the neighbouring garden sits at this lower level.

15.2 The proposed alterations to the porch involve a new pitched roof and changed fenestration.

15.3 It is worth noting that under permitted development rights the applicants could build an extension to the rear of their property 3m deep and 3m tall, without any requirement for planning permission or any input from the LPA. If this were to occur the height of the extension would be measured from the point at which the ground level is highest adjacent to the building, in line with the DCLG Technical

Guidance. As such a taller extension could be built along the boundary line without any consideration of neighbouring amenity.

### Design

- 15.4 The alterations proposed to the porch are minimal and in keeping with the host dwelling in terms of scale and materials. The resulting porch would be similar in design to others within the street. As such it is considered it would have a neutral impact on the street scene and would be in keeping with the surrounding area.
- 15.5 Public views of the rear extension would be limited and as such it would not have a significant impact on the surrounding area. The design and size of the extension are not unusual for extensions of this type. The scaling of the extension in comparison to the host dwelling is not ideal due to the varied ground levels. However, bearing in mind that something of similar size, of poorer design could be built under permitted development rights and in light of the limited public views, this is not considered to cause significant harm. The materials used for the extension are in keeping with the materials palette of the surrounding area.
- 15.6 The proposal is therefore acceptable in terms of design.

### Impact on Neighbouring Amenity:

- 15.7 The proposed alterations to the porch have no impact on neighbouring amenity.
- 15.8 The proposed single storey rear extension will have no impact on the privacy enjoyed by neighbouring properties.
- 15.9 It is noted that the extension is likely to have an impact on the outlook enjoyed by the neighbouring property at number 57. In terms of outlook, Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and this is impinged upon marginally by the proposal. However, this angle is impinged upon less by the rear extension subject of this application than the existing boundary fence. Similarly an extension could be constructed under permitted development rights which would impinge further upon this angle. As such, it is acknowledged that the extension subject of this application will have an impact on neighbouring outlook, however on balance this impact would not be significant and is far less harmful than what could be achieved under permitted development.

- 15.10 Similarly, it is noted that the extension is likely to have an impact on the light enjoyed by the neighbouring property. In this regard, as above, the extension subject of this application marginally breaches the plan test, which guards against a loss of light for a 45 degree angle on a horizontal basis. However, the elevation test, which guards against a loss of light at a 45 degree angle on a vertical basis, is not breached. As a result the extension subject of this application complies with Council standards as set out in the Essex Design Guide, which requires proposals to meet one of these tests.
- 15.11 Likewise it is considered that the rear extension is unlikely to have a significant impact on the light enjoyed within the neighbouring garden as the elevation test set out above is met.
- 15.12 The proposal is therefore acceptable in terms of impacts on neighbouring amenity.

#### Other Issues Raised

- 15.13 Concerns were raised regarding variances to the previously approved permission and the conservatory previously in situ at the property. However, this application is judged on its own merits and as such this is not a material consideration.
- 15.14 Concerns were raised regarding inaccuracies within the planning statement. However, the proposal has been constructed in accordance with the plans submitted on which the assessment of this application has been based.
- 15.15 Concerns were raised that the extension has been constructed without permission and without opportunity for neighbours to comment. Planning legislation allows for retrospective permission to be granted such as in this instance, which allows opportunity for consultation with neighbouring properties. It is noted that the neighbours have participated in the consultation of this application and as such have had an opportunity to comment on the proposal.
- 15.16 Concerns were raised regarding the excessive duration of the works to conduct the development subject of this application. It is noted that these works have been delayed due to the need to obtain a new permission and the requirement for that application to be put before the planning committee. There is also no mechanism within the remit of planning policy or legislation to limit the duration of time that the works should be conducted within.

### **16.0 Conclusion**

- 16.1 This proposal is of an acceptable design and, whilst there would be impacts upon the amenities of the occupiers of neighbouring properties, such impacts would be within acceptable bounds.

## **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 - ZAM - \*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 FG-02, FG-03 and 'proposed' 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.

### **2 - ZBB - 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, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

## **18.0 Informatives**

18.1 The following informatives are also recommended:

### **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.