



Application No: 152331
Location: 41 Victoria Road, Colchester, CO3 3NU
Scale (approx): 1:1250

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7.5 Case Officer: Chris Harden Due Date: 25/01/2016

HOUSEHOLDER

Site: **41 Victoria Road, Colchester, CO3 3NU**

Application No: **152331**

Date Received: 18 November 2015

Agent: Mr Tim Palmer

Applicant: Mr & Mrs J Eyre

Development: Part double, part single storey extensions to side and rear and addition of oriel window to front, following demolition of existing side and rear extensions.

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 it has been called in by Councillor Hardy over concerns about the impact upon neighbouring residential amenity. There are concerns that the length and height of the proposed extension, together with its location abutting the boundary, would have an overbearing impact and visual intrusion on the living space of 39 Victoria Road. "This, together with the impact of increased shadow on the south side, results in a significant loss of amenity. No. 43 Victoria Road will also be affected as the extension will bring brick walls closer to bedroom and kitchen/dining windows occluding light while giving rise to increased overlooking." Heritage queries are also raised in changing the front portal window to an oriel window.

2.0 Synopsis

- 2.1 The key issues explored below are the design, scale and form of the extensions, the impact upon neighbouring residential amenity and whether there would be enough amenity space retained for the property.
- 2.2 It is concluded that the design, scale and form of the extensions would relate satisfactorily to the character of the existing dwelling and would not have an impact upon the character of the street scene. It is also considered there will not be a significant impact upon neighbouring residential amenity and that adequate amenity space would be retained.

3.0 Site Description and Context

- 3.1 The existing property is a two-storey detached dwelling that lies within the physical limits of Colchester. It is within a row of similarly designed properties, with neighbouring properties directly on either side. It also lies in an area of high archaeological potential.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a two storey side extension and single storey side and rear extension. The proposal includes the demolition of the existing single storey side and rear extensions and the addition of a front oriel window. The property would gain one bedroom to make it a five-bedroom dwelling. The proposal has been amended from the original submission by replacing the initially proposed pitched roof on part of the single storey with a lower, flat roof on the Southern side facing number 39. Part of the extension has been moved further away from number 39 and the single storey pitch roof has been slightly lowered.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history for the site itself. The neighbouring property (number 43) has constructed a previously approved first floor extension adjacent to the application site (reference 072855).

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:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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

Vehicle Parking Standards
Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 Councillor Hardy states: “Unfortunately, the length and height of the proposed extension, together with its location abutting the boundary is an overbearing and visual intrusion on the living space of 39 Victoria Road. This, together with the impact of increased shadow on the south side, results in a significant loss of amenity. No. 43 Victoria Road will also be affected as the extension will bring brick walls closer to bedroom and kitchen/dining windows occluding light while giving rise to increased overlooking. Heritage queries are also raised in changing the front portal window which is of original art deco style in common with the house next door.”

- 8.2 Colchester Borough Council’s Archaeologist has made the following observations:

“The proposed development is located within an area of archaeological importance recorded in the Colchester UAD, within 100m of the site of a Roman temple (UAD no. MCC1959). There is high potential for encountering below-ground archaeological remains, and possibly Roman burials, at this location.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.”

A condition relating to a programme of archaeological works is therefore recommended.

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 n/a

10.0 Representations

10.1 Ten letters of objection have been received relating to which make the following points:

- Application does not show adjoining property correctly. It has approved extension works which will be directly overlooked by these proposals.
- Application should not be determined until the overlooking situation has been resolved/removed.
- Rear extension will be built to the South of our house and extend to our boundary halfway down our garden. It will greatly restrict light and overshadow rear of our house and outside area. Direct sunlight will only fall onto our outside living area in the height of summer. Our side French doors will have angle of outlook reduced by over half. Our main aspect glass doors will have reduction down to less than 45 degrees. Have only 20ft of rear garden. Will affect 3 generations of family.
- View of trees will be replaced by ugly brick walls and tiled roof. Trees have already been removed.
- Alterations will be out of character and blight pretty part of Colchester.
- Remove of 30s features such as the circular window detracts from look of the line of houses.
- Noise and smell from kitchen will permeate into our living space.
- Roman archaeology should be protected. Close to Roman Temple and no archaeological assessment made.
- Extension not single storey- roof would finish just below first floor window on the rear. Ceilings are higher.
- Will overlook and be intrusive on number 39 and cause loss of light.
- Plans for 39 do not show their kitchen extension.
- Side extension will be clearly visible from Victoria Road and public footpath
- Two storey side extension will overshadow our eldest son's bedroom window, reducing light available. Angle of overshadowing exceeds Council's guidelines.
- Proposed side window will look into our son's bedroom window.
- Proposed kitchen will have a side window looking directly through our kitchen window.
- Noise and disturbance from the extension.
- Scale of proposal is disproportionate to existing properties. Dwellings will appear squeezed together and there will be less expanse of sky visible between the properties.
- Grass snakes have been seen in the area.
- Should be planning conditions to govern way work is carried out.
- Happy to discuss alternative options.
- Could set a precedent for similar schemes.
- North wall should be in line with original house.
- Some loss of privacy for us owing to larger front window.
- Area has the feel of a Conservation Area.
- Revised plan does little to address the concerns - will still greatly restrict light and overshadow us. Merely shaves off a small section of kitchen.
- In receipt of war pension for disabling injuries and rely increasingly on our garden space.

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

11.0 Parking Provision

- 11.1 Two car parking spaces at the front of the property.

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

Design, scale and form

- 15.1 It is considered that the design, scale and form of the two storey extension is visually acceptable and would relate satisfactorily to the character of the existing dwelling. It matches the scale of the existing side elevation of the property and the roof form is sympathetic to the existing roof form of the dwelling. It would also not be particularly prominent in the street scene and would not result in a cramped appearance. This element is therefore considered to be visually appropriate for its context.
- 15.2 Similarly, the single storey side and rear extension would also be of an acceptable design, scale and form. It would be appropriately recessive to the existing dwelling and would not have any detrimental impact upon the character of the street scene. Overall, the proposals accord with the Policy aims of the Local Plan in ensuring that the design of such proposals is of high quality.
- 15.3 It is not considered that a refusal can be justified for the loss of the circular window on the front of the property. Whilst this is an original feature, the property is not listed or locally listed and does not lie within a Conservation Area. The additional oriel window on the front of the property would appear visually acceptable and would relate satisfactorily to the character of the existing dwelling and street scene.

Impact on Neighbouring Properties

- 15.4 Overall, the proposal is considered acceptable in terms of its impact upon neighbouring residential amenity. Firstly, with regard to the single storey rear and side extension, it is not considered there would be any significant impact upon the residential amenity of the neighbours either side of the application site. The height of the extension adjacent to the Northern boundary with number 39 has been reduced from the original submission, with the pitched roof being changed to a lower flat roof closest to the neighbouring boundary. This ensures there would not be a significant overbearing impact or loss of light on number 39. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and the proposed single storey extension satisfies this requirement in relation to both neighbours. Accordingly there are no concerns regarding loss of light to the neighbours either side from the single storey extension. The combined plan and elevation tests are not breached and the proposed single storey extension therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House guide.
- 15.5 It is not considered that there would be an overlooking problem from the single storey extension. Views towards neighbouring properties from ground floor windows and doors would not be a reason to warrant refusing a proposal on overlooking grounds.
- 15.6 The two storey extension would not have an impact upon the rear windows of number 43 so the above-mentioned 45 degree angle of outlook relating to loss of light would not be contravened. The combined plan and elevation tests in terms of impact on the rear elevation would again not be contravened.
- 15.7 However, the impact of the two storey extension upon the bedroom window in the neighbour's two storey extension (approved in 2008) also needs to be assessed. It is fair to say that there will be a loss of light to this window and also a loss of outlook. However, it also needs to be borne in mind that the neighbour's extension is relatively recent and was itself built quite close to the applicant's side boundary with a window overlooking the applicant's property. Accordingly it is not considered equitable that the current proposal should be refused on the grounds of an impact upon this window. The current proposal would be virtually the same distance from the boundary as the neighbour's extension and the fact that the neighbour has a window in this relatively recent extension that overlooks the applicant's property should not justify refusing the applicant's two storey extension. On balance it is therefore not considered that the two storey extension should be refused on the grounds of impact upon neighbouring residential amenity.
- 15.8 The applicant has confirmed that a first floor window to be inserted in the existing south side elevation of the dwelling would be obscure glazed so there would not be an overlooking issue in this respect.

Other Matters

- 15.9 It is considered that adequate amenity space would be retained for the dwelling as the property has a reasonably large garden to the rear. Parking provision at the front of the site would be unaffected and two spaces would meet the relevant parking standards. No vegetation of significance would be affected.

15.10 The Borough Council's archaeologist has suggested an archaeological programme of works owing to the fact that the site lies within an area of archaeological importance. This condition is considered necessary and reasonable and can be applied.

16.0 Conclusion

16.1 It is considered that the two storey and single storey extensions, including front oriel window, are of an acceptable scale, design and form to ensure they would be in keeping with the character of the existing dwelling and would not detract from the character of the street scene. It is also considered that the extensions are acceptable in terms of their impact upon neighbouring residential amenity. Adequate parking and amenity space would be retained and vegetation would not be affected. An archaeological condition can be applied.

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: 1932 PL05 A & 1932 PL03 A received 8.1.16, and 1932 PL01 C received 12.1.16.

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

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). Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated QGY 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).

5 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the new window in the South elevation at first floor level shall be non-opening up to a floor level of 1.7 metres above first floor level and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

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) Informative on Archaeology:

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.

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.