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**Item No:** 7.6

**Application:** 171870

**Applicant:** Mr And Mrs N Patterson

**Agent:** Kenneth Mcandrew Architects

**Proposal:** Proposed first floor rear extension, small side extension at ground floor to form boot room, internal alterations.

**Location:** 1 The Waldens, Lexden Road, West Bergholt, Colchester, CO6 3BE

**Ward:** Lexden & Braiswick

**Officer:** Jane Seeley

**Recommendation:** Approval Conditional

## **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 Willetts. The reasons for the call in are that Cllr Willetts has received several representations that the proposed extension is out of character and not in keeping with adjacent properties, particularly the timber clad extension and that the original planning application COL/02/1740 withdrew general permitted development rights to protect the visual amenity of adjoining residents and prevent over-development of the site. The current application would exacerbate both these factors.
- 1.2 Since submission the design of part of the scheme has been amend (see 4.2). Cllr Willetts has advised that he would still like the application to be determined by committee as although the design is now a more conventional approach the other factors for the call in remain issues of concern.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are design, whether the proposal is overdevelopment of the site and the amenity of the neighbouring properties.
- 2.2 The application is subsequently recommended for Approval.

## **3.0 Site Description and Context**

- 3.1 The Waldens is a small development of dwellings dating from 2002/3. It includes two houses fronting Lexden Road. Number 1 is accessed of a private drive off Lexden Road. The front of the house is immediately adjacent to the driveway and the rear is close to the rear boundary with Number 1, 3 and 5 Colchester Road - a single storey element is approximately 1m from the boundary and a projecting rear storey element approximately 1.7m from the boundary. The rear boundary has screen fencing and along the rear of the house, in the garden of 3 Colchester Road is a 3.5 metre conifer hedge. To the western side of the house are two parking spaces and to the eastern side is the garden and a single garage.

## **4.0 Description of the Proposal**

- 4.1 It is proposed to build a first floor extension over the existing single storey rear element; remove the roof of the existing two storey rear element and extend this at first floor towards the boundary and add a roof light in the resultant flat roof; and build a first floor extension on piers. The combined works will produce a two storey structure across the whole rear of the house approximately 1m from the rear boundary. A small single storey side extension is also included within the parking area.
- 4.2 Since submission the design of the first floor extension on piers which originally had a more contemporary approach has been amended to a more traditional approach. The site plan has been amend to accurately reflect ownership/land registry documents. The agent has also advised that a first floor window in the west elevation would have obscured glazing.

## **5.0 Land Use Allocation**

- 5.1 Within the defined Settlement Boundary.

## **6.0 Relevant Planning History**

- 6.1 F/COL/02/1740 - Proposed residential development of three, four bedroom houses, one five bedroom house and one three bedroom bungalow – Approved.

Condition 5 of the permission states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

## **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  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP19 Parking Standards

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

The Essex Design Guide  
EPOA Vehicle Parking Standards  
West Bergholt Parish Plan & West Bergholt Village Design Statement

## 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 Archaeological Adviser - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation
- 8.3 Tree Officer – details of tree/hedges that are to be protected is required.

## 9.0 Parish Council Response

- 9.1 With regard to the original scheme the Parish Council have stated that the proposal cannot be supported and agrees with the objection from the neighbours. It considered that the proposed extension is out of character and keeping with adjacent properties. The Parish Council refers to policies DG3, DG7 & DG 9 of the CBC adopted Village Design Statement. A possible solution could be a hipped or normal roof, rather than the suggested mono-pitch, in order to match the other side of the house.

## 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 Two representation of support from 11 Lexden Road and 2 The Waldens (original scheme)

- plans are unobtrusive and in keeping with the character of the current houses in the development. We have asked for the additional window in bedroom 3, which overlooks our rear garden, to be obscured (**NB This has been agreed via email by the applicant's agent and can be conditioned**). The proposed parking space in the front of the proposed boot room should be amended to accord with Land Registry documents (**NB plans have been revised accordingly**)

### 10.3 Two representations objecting from 1 and 3 Colchester Road (original scheme)

- The first floor rear extension will have a detrimental impact on the amenity of our property, invading our privacy; currently there are no windows to the rear elevation
- When planning permission was granted for the original development of The Walden, permitted development rights were removed to prevent the overdevelopment of the site, we consider that the current application fails to satisfy this requirement.
- Consider that the normal permitted development restrictions are an appropriate guide for assessing privacy and overdevelopment.
- The extension is visually unattractive when viewed from number 3 Colchester Road, is out of character with the house and local area and will impact on the visual amenity of number three particularly if the boundary hedge fails.
- Extension on piers and timber cladding is not in harmony with the exiting property.
- Concerned about damage to boundary hedge in garden of number 3 Colchester Road.
- Extension will impact on enjoyment of patio/barbeque area adjacent to the hedge.
- Grant of planning permission will set a precedent for other proposals and resulting over development of the whole site.
- Lack of measurement on drawings is unhelpful.
- Query need for an extension. **Officer Note - This not a planning matter.**
- May impact on legal right to light **Officer Note - This is not a planning matter.**

### 10.4 Comment on revised scheme – objections (From number 3 Colchester Road)

- Confirm our original objection still stands and hope that the Council will refuse permission for the proposed development for the reasons of over development as set out in previous letter.
- Note that the parties that support the scheme are occupiers of properties which were part of the development on which the permitted development rights were excluded.

## 11.0 Parking Provision

11.1 Parking provision will be in line with current Adopted Standards.

## 12.0 Open Space Provisions

12.1 This scheme raises no concerns regarding open space.

## **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 The main issues in this case are:

### Design and Layout

- 15.2 The design of the scheme, as amended, reflects the detailing of the existing house and the general character of The Waldens development. The use of piers to support the first floor extension is perhaps a rather unconventional approach but given that this feature will have minimal impact outside of the site it is not considered that this can be resisted.

### Scale, Height and Massing

- 15.3 The scale and bulk of the extension is proportionate to the existing dwelling.

### Impact on the Surrounding Area

- 15.4 Concerns have been expressed about the extension being an overdevelopment of the site which would impact the surrounding area. It is pointed out that Condition 5 of the original planning permission for The Waldens removed normal permitted development rights for extensions. The reason for the condition was to prevent overdevelopment as well as protecting visual amenity and residential amenity. The majority of the works proposed by the current application could not have been erected as permitted development.
- 15.5 It is not considered that the extension would result in an overdevelopment; the scale is not excessive for the size of the host dwelling. From within The Waldens the extension will not appear particularly prominent. From the rear of the houses in Colchester Road the extension will be more visible; this is not in itself a reason to suggest the scheme is over development. Currently the properties have a view of a two storey building and extending at this height towards the boundary at the scale proposed is not considered to result in overdevelopment. There will be no significant public views from Colchester Road.
- 15.6 The impact on the surrounding area is acceptable.

### Impacts on Neighbouring Properties

- 15.7 Due to the juxtaposition of the site with the adjacent properties the scheme must be very carefully assessed in terms of overlooking, overbearing and overshadowing.
- 15.8 As originally submitted the scheme included a clearly glazed first floor window facing the rear gardens of number nine and number 11 Lexden Road. In discussion with their neighbours the applicants have agreed that this window would be obscurely glazed. This will overcome any overlooking issues. This glazing is acceptable in this bedroom as there is already a clearly glazed window which will be retained.
- 15.9 There is a side first floor window facing towards number 5 Colchester Road and 2 The Waldens. No concerns have been expressed from either property. The view of No 2 (a bungalow) is of the front elevation and there is garaging which will screen the front windows. The separation from No 5 Colchester Road is approximately 25m and as that house is set at an angle there will be no undue overlooking issues between the windows. The garden area is mainly screened by boundary planting. There are some oblique views of the rear garden of number 3 Colchester Road again existing planting will provide some screening.
- 15.10 There have been concerns raised about overlooking of number 1 Colchester Road; there are no windows to the rear of the proposed extensions and there will be no direct overlooking of either number 1 or 3 Colchester Road. The extension will be visible from the rear windows and garden of the housing in Colchester Road, particularly number 3; however there will be sufficient separation between the dwellings (which for number 3 varies between approximately 15 and 20 metres) for these extensions not to have an unduly overbearing impact on either the house or the protected sitting out areas as identified in the Essex Design Guide. It is appreciated that number 3 has a patio area adjacent to the rear boundary however a reason for refusal due to any impact on a patio in this position cannot be justified.

### Hedge /Trees

- 15.11 The extension will be in close proximity to hedging and trees in adjacent gardens. The Tree Officer has not suggested the impact of the works on these landscape features will be unacceptable but has asked for further information on protection measures. This has been provided and the officer's comments and/or suggested conditions will be reported on the Amendment Sheet.

### Parking Provision

- 15.12 The extension will have some impact on parking provision for the house however parking will remain in line with adopted Parking Standards and is therefore acceptable.

## **16.0 Conclusion**

16.1 To summarise, the scheme is considered acceptable in terms of design, impact on the surrounding area and residential amenity and can be supported.

## **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:

## **18.0 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 - ZAX - \*Development to Accord With Approved Plans (qualified)\***

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 25917/01A, 03, 04, 06B, 07A.

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

### **3 - ZBA – Matching Materials**

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

### **4. ZDG - \*Removal of PD - Obscure Glazing But Opening\***

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the proposed first floor window in the west elevation (in bedroom 3) shall be 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.



## **5 - ZDH - \* Removal of PD - No Extra Openings\***

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, or other opening be inserted above ground floor level in the north (rear) elevation extensions hereby approved except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority. Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

## **19.0 Informatives**

19.1 The following informatives are also recommended:

### **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 - 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.