



Application No: 150754

Location: 58 Parkwood Avenue, Wivenhoe, Colchester, CO7 9AW

Scale (approx): 1:1250

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7.3 Case Officer: Eleanor Moss

MINOR

Site: 58 Parkwood Avenue, Wivenhoe, Colchester, CO7 9AW

Application No: 150754

Date Received: 17 April 2015

Agent: Mr Mark Perkins

Applicant: Mr C Revell

Development: Demolition of existing house and construction of a new 5 bedroom house with attached garage.

Ward: Wivenhoe Quay

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 Scott requested this application to be determined at Committee.

2.0 Synopsis

- 2.1 The key issues explored below are the principle of the development, the design and layout of the scheme, the impact it will have on protected trees and the impact the scheme will have on neighbouring amenity.
- 2.2 It is concluded that the scheme is acceptable in terms of design and amenity and approval is recommended.

3.0 Site Description and Context

- 3.1 The application site comprises the plot of a single-storey bungalow. It is situated to the south of Parkwood Avenue, with the highway fronting the existing bungalow. It has a large plot, larger than many in the vicinity and could accommodate two plots on. The existing bungalow takes its access from Parkwood Avenue. To the west of the site is an detached two storey dwelling (No. 56 Parkwood Avenue) which was erected within the 1990s. To the east of the application site is a detached single storey bungalow (Elizabeth Cottage).

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the demolition of the exiting dwelling of 58 Parkwood Avenue and the erection of a replacement two storey detached dwelling.

5.0 Land Use Allocation

- 5.1 The site is allocated for residential purposes in the local plan as it sits within the development boundary.

6.0 Relevant Planning History

- 6.1 There is no planning history particularly relevant to this site.

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

Extending Your House?
The Essex Design Guide

8.0 Consultations

- 8.1 **ECC Highways** - This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to commencement/occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 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.

- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- All single garages should have a minimum internal measurement of 7m x 3m
- All double garages should have a minimum internal measurement of 7m x 6m
- All tandem garages should have minimum internal measurements of 12m x 3m
- All garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on street parking, in the interests of highway safety and in accordance with Policy DM8 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.

8.2 Environmental Protection

Should planning permission be granted Environmental Protection wish to make the following comments:-

NOTE: Demolition and Construction

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 Protection prior to the commencement of the works.

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 Insignificant information supplied. There is no road access to the site and nothing showing the relation of the proposal to neighbouring properties. As it stands the proposal is overbearing to neighbouring properties.

10.0 Representations

- 10.1 There have been 7 letters of objection submitted in relation to this application. The following objections have been raised:

- Overbearing
- Loss of privacy
- Flood risk
- Increase in traffic congestion
- Overshadowing
- Concerns regarding asbestos
- Out of keeping
- Right to access

- 10.2 It is worth noting that an objection has been raised regarding access to Elizabeth Cottage who have legal rights to access to their property at all times, private rights to access is not a material planning consideration and is a civil matter between the two parties.

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 scheme provides an off street parking spaces and a garage of a size that exceeds current 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

Design and Layout

- 15.1 Next door (east), Elizabeth Cottage is a modest, detached, single storey chalet-bungalow. The immediate area north of the site is primarily a ribbon of single-storey bungalows. To the west of the site are two storey detached dwellings, in particular the immediate neighbouring property of 56 Parkwood Avenue is a detached property constructed within the 1990s. Again, within sight of the plot are other single storey bungalows and two-storey houses. In conclusion, although there is a prevalence of bungalows, the area is mixed in character and a variety of dwelling types could be introduced without necessarily harming the character. A two storey building within this area, as proposed, would be in keeping with the area and would not have a negative impact upon the street scene when viewed from the public realm.
- 15.2 The application site is within the defined settlement limits where there is a presumption in favour of the development. The ribbon development and suburban architecture gives the surroundings an edge of settlement character rather suburban design. The proposed designs have more of an executive character than the modern suburban style bungalows around the site. This is not harmful in itself as older houses frequently appear within rows of ribbon development that has developed alongside them. The designs are not unattractive and the form, proportions and detailing are consistent with each other.
- 15.3 The plot size will be larger than the local norm and will benefit from amenity space well in excess of adopted standards and surrounding area. From a public perspective, the development will not appear uncharacteristically out of proportion as generous frontage will be incorporated.
- 15.4 There is a clear building line to follow along Parkwood Avenue, although the existing dwellings have frontages of various depths within the area. That said, the original scheme submitted a proposal which protruded a little further forward than was visually comfortable. As such, a revised scheme has been submitted which follows the building line and sits more readily within the frontage. In addition, the frontage presents the opportunity for new planting that would soften and ultimately partially screen the site.

Impact on Surrounding Area:

- 15.5 Parkwood Avenue is a residential cul-de-sac characterised by two-storey residential properties to the west which are varied in terms of style and design and a strong ribbon of single storey bungalows to the north. To the rear of the development is an executive development of Palmer Gardens which the proposal seeks to reflect. The application site itself is large and can accommodate the proposed development comfortably. It is considered the proposed development will not have any adverse impact on landscape character, the setting of the site and the wider area.

Impact on Neighbouring Properties

- 15.6 Guidance in Supplementary Planning document 'The Essex Design Guide' is that a 45 degree angle from the mid-point of windows is required in order to preserve outlook. 'Extending your house' requires a combined plan and elevation 45 degree zone of protection to be preserved. This proposal complies with both those 'tests'.
- 15.7 The proposal has been quite carefully designed so as to minimise harmful impacts on neighbour's amenities. There are no ground floor or first floor windows on the side elevation (west) and as such there would be no loss of light, outlook or privacy to 56 Parkwood Avenue. The east-facing side elevation contains one small window which faces toward Elizabeth Cottage, however this window is to serve a bathroom and as such would be obscure-glazed to protect privacy for any future occupiers. In summary, it is not considered that there would be any harm upon outlook or loss of light to the neighbouring properties and any impact upon residential amenity would be negligible.

Trees and hedges

- 15.8 Whilst there are various small garden trees and hedges to the front of the site, none are protected and all could be removed at any time without the Council's permission. In any case, none are such that they could not be easily replaced with others of similar or better quality. The design gives the potential for significant new planting that could contribute very positively to the appearance of the site and that is a material consideration in its favour. However, to the rear of the site is a line of protected trees which could not be removed at any time. This line of trees also serves to screen the application site from Palmer Gardens and would be subject to conditions to protect critical aspects and to ensure that these protected trees would not be harmed during the construction phase.

Highways and parking

- 15.9 A number of concerns have been raised regarding access and parking to the site creating an increased amount of traffic congestion, in turn adding to the existing on road parking in the area. While this is noted, this is an existing problem within the area and a replacement dwelling on site would not create any undue increase in traffic congestion or off-road parking. The application exceeds car parking standards and as such may alleviate the current pressure on road parking.

16.0 Conclusion

- 16.1 The design of the proposed replacement dwelling is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the 'Extending Your House?' SPD has been infringed and no unacceptable impacts have been identified. The proposed replacement dwelling would not appear out of character in the street scene or as an overly prominent addition. Your Officer therefore recommends approval.

17.0 Recommendation

- 17.1. APPROVE subject to the below 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 precise accordance with the details shown on the submitted drawing numbers 1043/02 B, 1043/05 A and 1043/TOPO.

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

3 - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

4 - Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: To soften the setting of the building and to minimise the potential for a stark and unattractive frontage.

5 - Non-Standard Condition/Reason

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6 - Turning Areas

Prior to the first occupation of the development, a vehicular turning facility of a design previously agreed, in writing, by the Local Planning Authority shall have been constructed, surfaced and thereafter maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

7 -No Unbound Surface Materials

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

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

8 - Non-Standard Condition/Reason

No development shall take place until such times as, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction, including window, fascia, soffit and porch details, have been submitted to and approved, in writing, by the Local Planning Authority. Such materials and finishes as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure a high quality finish to the development appropriate to its traditional design.

9 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans 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.

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) **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. Please pay particular attention to these requirements.

(4) **INFO1 – 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.

(5) **INFO2 – 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.

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.