



**Application No:** 151993

**Location:** 3 Highfield Drive, Colchester, CO3 3QA

**Scale (approx):** 1:1250

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**7.2 Case Officer: James Ryan**

**Due Date: 01/12/2015**

**HOUSEHOLDER**

**Site:** 3 Highfield Drive, Colchester, CO3 3QA

**Application No:** 151993

**Date Received:** 6 October 2015

**Applicant:** Mrs Marguerite Haddrell

**Development:** Two storey side extension.

**Ward:** Lexden

**Summary of Recommendation:** Conditional Approval

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

1.1 This application is referred to the Planning Committee as a result of a call in by Cllr Buston for the following reasons:

1. The proposal is considered to be an overdevelopment : it has restricted vehicular access, (including over an unadopted unmade cul de sac road),and it is of a nature that would not be in keeping with the present character of either the location or the area.
2. The residents of Highfield Drive believe that this application is not intended to be an extension to the main house but will be turned into a separate dwelling for the reasons noted below:

Six separate applications to build a separate dwelling on this site. Application 145559 being an approved extension where the applicant removed connections to the main house and tried to claim approval for a separate dwelling. This was taken to committee and the applicant refused to resubmit the correct plans.

The applicant wrote to the planning officers on 26.09.14 under application 145559 (Additional Information) and in this letter declared that there was nothing to stop her building an extension and then removing the connection to the main house.

There are no room details for the main house on the submitted plans but a lounge, kitchen and dining area plus a third door on the extension plans. These rooms are already present in the main house so leads to the conclusion that this will be used as a separate dwelling.

The last application 146416 was refused by the planning inspector and her report stated:

“I consider the principle of erecting any new dwelling, regardless of its size or design on the appeal site would be likely to harm the character, quality and appearance of the area.”

Residents thus fear that, having regard to the protracted Planning Application History of the site: 111460, 145559 (resubmission of 11 1460) , 145426 Dismissed on Appeal APP/A1530/W/15/3005564 , 14 6416 (resubmission of 14 5426): Dismissed on Appeal APP/A1530/W/15/3005569 ) 24 Jun 15 , the proposed development of an extension to the property would morph into an additional and separate dwelling : which proposal has already been rejected by the Planning Committee and upheld by the Inspector on Appeal.

3. Residents submit that the proposed development would be discordant with its environment and would fail to enhance the character, quality and function of the area contrary to Policy UR 2.
4. Residents request that in the event of Approval being Granted, additional specific Conditions are attached to any Permission to include:
  - a. (Given 2 ante and the Planning History of the site) , An absolute prohibition be imposed to prevent the extension being turned into a separate dwelling as has been attempted in the past and to ensure that the Planning Inspectors earlier ruling is upheldand
  - b . Permitted Development Rights (PD) be formally withdrawn from the site.

## **2.0 Synopsis**

- 2.1 This application is, in effect, an amended version of the withdrawn scheme that was deferred by Members at the meeting of 11<sup>th</sup> September 2014. That was deferred for further discussions with the applicant in order to secure defined connections to the host dwelling, including the inclusion of internal doorways in the submitted plans. The revised drawings were to be referred back to the Committee for determination but the applicant withdrew the scheme instead. The changes have now been made and on that basis this scheme is acceptable.

## **3.0 Site Description and Context**

- 3.1 3 Highfield Drive is a detached dwelling occupying a corner plot served off a narrow private road in an arcadian part of Lexden, a short distance north of Colchester Conservation Area 2. External finishes are red brick/ tile hanging with a plain tiled roof. The property stands on land sloping sharply from north to south.
- 3.2 The garden has a well-screened rear garden which is bounded by fencing alongside the Drive and includes a detached garage to the rear. There are substantial detached houses on the opposite side of the Drive.

## **4.0 Description of the Proposal**

- 4.1 This is a householder application for a two storey side extension providing additional ground floor rooms and two bedrooms and a bathroom on the first floor, to be constructed in matching materials with a small conservatory to the rear to be used as a breakfast room. The roof form is hipped and double-piled which reduces its mass and bulk and emphasises the subordinate character of the extension.

## **5.0 Land Use Allocation**

- 5.1 Residential; Area of High Archaeological Potential.

## **6.0 Relevant Planning History**

- 6.1 101564 - One detached four bedroom house and replacement of existing detached Garage – Refused November 2011.
- 6.2 102315 – Detached 3 bedroom house and replacement garages (resubmission of 101564) - Refused Dec 2010; appeal dismissed July 2011.
- 6.3 111460 - Two-storey side extension – approved Sept 2011. NB a minor amendment was subsequently agreed in Feb 2013 for increased width of side extension with associated alterations to roof-line and elevations, including insertion of a door in place of a window and enlarged bathroom window (as shown on drawing numbers 204/1 and 2)
- 6.4 145426 – Erection of 3 bedroom detached house - refused.
- 6.5 145559 – Resubmission of 111460 – application deferred at committee but then withdrawn by applicant.
- 6.6 146416 – Erection of detached bungalow – refused January 2015, appeal dismissed March 2015.

## **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

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

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

## **8.0 Consultations**

### **8.1 Archeology -**

The proposed development is within the area of archaeological interest recorded in the Urban Archaeological Database. The site is within the area of a Roman cemetery and a Roman inhumation burial is recorded 60m to the west of this property (UAD No. MCC2504). Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

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.

The following archaeological condition is recommended:

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 that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for

analysis, publication and dissemination of results and archive deposition has been secured.

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 Colchester Borough Council's Core Strategy (2008).

I will, on request of the applicant, provide a brief for the archaeological investigation. In this case, continuous archaeological recording and monitoring (an archaeological watching brief) will be required during all groundworks.

***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:*

<http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planningprocess>

## **9.0 Parish Council comments**

9.1 N/A

## **10.0 Representations**

10.1 Nine Representations have been received from five residents of the area. The following is a summary of their objections:

- This is an attempt to build a second house on the site while disguising the fact that it is a separate dwelling. There may now be a connection to the main house, but there is still a side facing front door and therefore this is not an extension at all. In application 145426 (a visually very similar application) it is quoted as being a self-contained annex.
- Highfield Drive is served by a narrow, privately maintained road. Vehicle access is already difficult at times as it is too narrow for two cars to pass each other. Any extra car parking and traffic would be detrimental to the area.
- The tranquil atmosphere in the drive is in a large part due to the gardens and trees and open spaces. Residents would be very unhappy to have this environment spoiled by additional development and consider the scheme to be unacceptable in design terms.
- The applicant's letter of justification is disingenuous and does nothing to allay the fears of the neighbours.
- No floor plans have been provided.
- The rooms proposed already exist in the main dwelling therefore this must be an application for a new dwelling.
- The side door indicates a new dwelling and should be removed.
- The applicant has two garages to the rear.
- The size and massing of the proposal is too great and should be reduced.
- If the Council is minded to approve it should be strictly conditioned.
- The side garden which used to be part of the man garden is full of weeds and looks unattractive.

- Clarification of the applicant's intentions is needed prior to determination.
- The other extensions in the area are far more in-keeping with the local area.

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

## **11.0 Parking Provision**

- 11.1 The proposal maintains the status quo as regards available garaging and parking space and satisfies the adopted car parking requirements. Therefore a refusal on traffic or parking grounds would not be reasonable.

## **12.0 Open Space Provisions**

- 12.1 The submitted scheme maintains a rear/side garden area well in excess of your minimum requirements and consistent with other gardens in the area, particularly those to the south.

## **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).

## **15.0 Report**

- 15.1 In relation to the erection of a new dwelling on this site, the Inspector concluded as follows:

*I consider the principle of erecting any new dwelling, regardless of its size or design on the appeal site would be likely to harm the character, quality and appearance of the area.*

- 15.2 It is noted that this application is not for a new dwelling but a domestic extension. Nothing in the recent appeal decision states that an extension is unacceptable in principle and in that regard there has been no material change in circumstance since the appeal refusal. In fact the Inspector noted:

*Planning permission has previously been granted for a two storey extension to No 3 and the proposal was subsequently amended. This consent has not been implemented and has now lapsed. In any event this permission did not authorise a new dwelling and it differs significantly from the current appeal proposals as the extension was subservient to the existing house and, as it was not freestanding, it would not intrude to any great degree into the open space.*

- 15.3 The extension approved in 2011 was considered to be consistent with relevant design and amenity policies with substantially less intrusion onto the undeveloped part of the site and maintaining a greater open aspect for existing residents. The detailing of the extension and matching materials would complement the site and its surroundings. The scheme before Members now is the same and is therefore considered to be acceptable in design terms. The proposal does not amount to overdevelopment.
- 15.4 It will have been noted that Cllr Buston and local residents make the point that the application is still an attempt to gain a new dwelling. Unlike previous applications there is now a link between the extension and the existing building at both ground floor and first floor levels – this was something that Members requested when deferring application 145559 which was then withdrawn. Concerns have been raised about the porch over the side door and officers consider it to be an unnecessary element further encroaching visually into the green area. It has been agreed by the applicant that this can be removed by condition.
- 15.5 Following the publication of the neighbour representations the applicant has provided an indicative ground floor layout. This shows the kitchen and TV lounge in the new section and the existing rooms are used for a dining room, a family room and a music room/study. This is considered to be entirely reasonable. It also shows the removal of the porch canopy.
- 15.6 Therefore the scheme is effectively what Members requested to see following the deferral of application 145559. On that basis the scheme is acceptable.
- 15.7 A condition is recommended to prevent the extension becoming a separate dwelling for the avoidance of doubt as to the scope of the permission. The removal of permitted development rights is not considered to be necessary or reasonable in this instance.

## **16.0 Conclusion**

- 16.1 The proposed extension is considered to be of a scale and external treatment that is appropriate to the site and its setting. The application does not raise the same issues of detriment to the character of the area as previous refused applications for a dwelling on the site have. The scheme is compatible with adopted policies which seek to protect the light, outlook, privacy and amenity of adjoining residents. Ground and first floor links between the extension and the main house have been provided and to ensure these are not blocked up a bespoke condition is suggested below.

## **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 204/1A and 204/2.

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

### 3 - Non-Standard Condition/Reason

Notwithstanding the details shown on plan 204/1A no consent is hereby granted for the porch canopy over the door in the side elevation.

Reason: This element is considered to be an unnecessary intrusion into this corner plot and therefore does not constitute an enhancement to the area. It is noted that its removal has been agreed by the applicant.

### 4 - Non-Standard Condition/Reason

The proposed window serving the first floor bathroom window shall be obscured at all times to a minimum of Pilkington Level 3.

Reason: In the interests of residential privacy.

### 5 - Non-Standard Condition/Reason

As set out on the floor layout plans shown on drawing 204/1A the accommodation approved herewith shall only be occupied in conjunction with the dwelling at 3 Highfield Drive and shall at no time be occupied as a separate residential unit. The door openings between the extension hereby approved and the existing dwelling as shown on 204/1A shall be provided prior to the extension first being brought into use and shall then be retained as openings permanently.

Reason: For the avoidance of doubt as to the scope of the permission the application is submitted as a householder proposal and this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

### 6 - Materials to Match

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.

## 7 -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 that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 Colchester Borough Council's Core Strategy (2008).

## 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) Non Standard 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: <http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planningprocess>

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.