



Application No: 151009

Location: 6 Barn Fields, Stanway, Colchester, CO3 0WL

Scale (approx): 1:1250

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7.4 Case Officer: Richard Collins Due Date: 20/07/2015 HOUSEHOLDER

Site: **6 Barn Fields, Stanway, Colchester, CO3 0WL**

Application No: **151009**

Date Received: 20 May 2015

Agent: Mr Adrian Ruffell

Applicant: Mr J Hall

Development: Conversion of loft space and creation of dormer window.

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee at the request of Councillor Jessica Scott-Boutell and for the following reason:

- Loss of privacy and over-looking

2.0 Synopsis

2.1 The key issues explored below are that of design and amenity. The proposal is considered to have an acceptable design that would not result in any amenity issues – such as overlooking or overshadowing. Approval is recommended.

3.0 Site Description and Context

3.1 The application property is a detached two-storey 3-bed dwelling. The dwelling forms one of a group of 15 detached dwellings granted planning permission under ref. COL/98/0583. Barn Fields is a cul-de-sac with vehicular access onto London Road.

4.0 Description of the Proposal

4.1 The proposal is to convert the loft space into a bedroom, with en-suite and walk-in wardrobe. The en-suite is accessed via the wardrobe. The proposal includes a dormer window extension on the side east facing roof slope to accommodate the stairs from the first floor to the loft. The dormer will be finished in matching roof tiles and white/cream coloured render to match existing. The dormer will be provided with a non-opening and obscure glazed window. Two roof-lights are also proposed in the side east facing roof slope to provide natural light to the bedroom and en-suite.

4.2 Two roof-lights are proposed on the opposite west facing roof slope to provide natural light to the bedroom.

- 4.3 All opening parts of the roof-lights are to be located at least 1.7 metres above the finished floor level.
- 4.4 A front gable end bedroom window is also proposed to provide natural light into the bedroom.
- 4.5 It is understood that the scheme would comply with building regulations.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 The following planning history is relevant to the current proposal:

COL/98/0583 - Erection of 15 detached dwellings garaging and access into London Road - Approved 1998

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:

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 None

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objections to the proposal.

10.0 Representations

10.1 No.7 Barn Fields – 4 representations of objection have been received (following submission of amended drawings). Comments are summarised below:

- Existing dwellings designed to avoid overlooking
- Overlooking concerns from roof-lights
- Concern over displacement of vehicles/work vehicles and restricted access to all other properties
- Increase in height of roof-lights (on roof slope) does little to protect privacy
- Repositioned rooflight sits almost perfectly opposite child's bedroom window
- Rooflight in wardrobe still causes overlooking

10.2 2 Barn Fields – 2 representations of objection have been received (following submission of amended drawings). Comments are summarised below:

- Dormer window will result in overlooking of garden
- Existing dwellings designed to avoid overlooking
- Overdevelopment of the property
- Cause major access problems to properties whilst development underway
- Velux windows are a reasonable design addition – afford light but privacy
- Cause disruption to residents from delivery lorries, builders and scaffolding
- Barn Fields already blocked by cars parked from commercial units around the corner
- Concern over access for emergency vehicles if required
- Concern regarding overlooking from velux windows
- Obscure glass good addition to all fixed windows
- Same concern as above regarding existing privacy
- Concern over setting a precedent for other dwellings

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

11.0 Parking Provision

11.1 N/A

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

- 15.1 Policy DP1 of the adopted Colchester Borough Development Policies (adopted 2010, amended 2014), states all development must be designed to a high standard and avoid unacceptable impacts on amenity. Furthermore, the policy states that development proposals must demonstrate that they (amongst other things):
- Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density and detailed design features;
 - Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.
- 15.2 The application site is located within the defined settlement boundary of Stanway. Policy DP13 of the adopted Colchester Borough Development Policies (adopted 2010, amended 2014), states within the Borough’s settlement boundaries, residential alterations, extensions and replacement buildings will be supported where they meet other policy requirements, including the adopted SPD ‘Extending Your House?’.
- 15.3 The principle of development is therefore acceptable, subject to the detailed criteria above.
- 15.4 It should be noted that the proposed development, being a dormer and roof-lights, would be classed as permitted development. However, a condition was imposed on the original planning permission to remove permitted development rights for additions to the dwellings, such as dormer windows and roof-lights. The reason for the condition was to safeguard the visual amenities of the area, to protect the amenity of adjoining residential occupiers, and to prevent overdevelopment of the site. The aforementioned policies are in place to assess the proposed development against in any event.

Design and Layout

- 15.5 The proposed dormer measures approx. 3.2 metres in width across a roof slope measuring approx. 8.3 metres. The roof slope of the dormer is set off the main ridge of the dwelling by approx. 0.6 metres, and off the eaves by approx. 0.3 metres. The materials proposed are to match the existing materials. It is considered the proposed dormer is well proportioned and reads as a subservient addition to the existing dwelling.

- 15.6 Furthermore, the existing dwelling is located off the main public maintainable highway of Barn Fields, and located in a cul-de-sac cluster of dwellings at the end of Barn Fields. Given the orientation of these dwellings, the proposed dormer would not be easily identifiable from within the public realm, and therefore would not have any adverse impact on wider character of the area, which in the main is one of 2-storey detached dwellings with pitched roof dormers (where evident).

Impact on Neighbouring Properties

- 15.7 The dormer has been designed to be obscure glazed and non-opening. A condition can be imposed to ensure this is retained as such. As a result, the dormer will not have any adverse impact on the amenities of the neighbouring property by way of overlooking.
- 15.8 The 4 no. roof-lights on both sides of the roof slope have been designed to be set a minimum of 1.7 metres above the finished floor level. The General Permitted Development Order (2015) allows for roof-lights (opening and non-obscured) in side facing roof slopes providing they are sited a minimum of 1.7 metres above the finished floor level, to ensure they do not have an adverse impact on residential amenity. A condition can also be imposed to ensure the roof-lights are set within the roof slope at this height. By definition it follows that given the proposed roof-lights are not below 1.7 metres in height from finished floor level, the roof-lights would not have an adverse impact on the residential amenities of neighbouring properties by way of overlooking and loss of privacy.
- 15.9 Concerns have been raised with regards to a rear elevation loft window, and the potential for overlooking. This has been omitted from the amended drawings received.

Other Matters

- 15.10 Concerns have been raised with regards to construction traffic and displacement of vehicles during the build. Given the small scale nature of the development proposal, and the opportunity of on-street parking in Barn Fields, the refusal of planning permission on this issue is not considered to be warranted.

16.0 Conclusion

- 16.1 The design is considered to be acceptable and there would be no detrimental amenity impacts. The proposal is therefore considered acceptable and would comply with Policies DP1, DP13 and UR2.

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 17015-P03C and 17015-P04C.

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

3 - 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.

4 - *Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the dormer window in side east facing roof slope shown on drawing no. 17015-P03C shall be non-opening 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.

5 - Non-Standard Condition/Reason

The hereby approved rooflights shown on drawing nos. 17015-P03C and 17015-P04C shall be inserted with the bottom rail of the rooflight no lower than 1.7 metres above finished floor level.

Reason: To protect the privacy of adjacent dwellings.

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.

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.