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**Item No:** 7.3

**Application:** 170260

**Applicant:** Mr Bruce O'Brien

**Proposal:** Demolish rear extension. Build two storey rear extension.  
Replace entrance door to front

**Location:** 8 Roman Road, Colchester, CO1 1UR

**Ward:** Castle

**Officer:** Daniel Cameron

**Recommendation:** Defer for submission of amended drawings for one month period and delegate approval to case officer. Should revised drawings not be forthcoming within this period, then refuse the application.

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

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the design of the proposed extension, its impact upon the character and appearance of the conservation area and whether it would have any unacceptable impacts upon the amenities of neighbouring prosperities.
- 2.2 The application is recommended for conditional approval subject to receipt of revised drawings showing acceptable materials and windows details. Should the revised drawings not be forthcoming within a period of one month from the date of this resolution to delegate to the case officer refusal of the application.

## **3.0 Site Description and Context**

- 3.1 The application site lies within the historic town centre of Colchester, a short walk from the junction of High Street and Roman Road. It lies immediately to the east of Castle Park and Castle Road and to the immediate west of the remains of the town wall and then a small section of Castle Park behind. This location provides for public views of both the front and rear of elevations of the property.
- 3.2 The area is wholly residential in appearance in contrast to the mixed commercial, retail and residential uses evident on High Street and within the commercial town centre. The properties within the area are a mixture of early and later Victorian vernacular styles and are typically composed of terraces. They are finished in red and Gault clay brick, originally with subdivided wooden box sash windows and slate roofs.
- 3.3 This area lies within the town centre conservation area and is subject to an Article 4(2) Direction governing alterations to windows, doors or openings on street facing elevations, the changing of roofing materials, demolition of chimney stacks or pots, the rendering or painting of brickwork and the demolition, alteration and erection of front boundary gates, walls, fences or other means of enclosure (except hedges) is in place for the properties on both Roman Road and Castle Road.

## **4.0 Description of the Proposal**

- 4.1 The application proposes the demolition of a series of existing rear extensions at the property and the erection of a part single storey, part two storey rear extension. The proposed extension would project some 3.3m into the existing rear garden of the property and across the full width of the existing rear wall. A small single storey element would be located close to the neighbouring property to the north, 9 Roman Road, while the remainder would be two storeys in height. This would lead to a reorganisation of the existing rear garden at the property and would give slightly more useable outdoor space to the applicants.

- 4.2 The property has previously been extended at the rear with first a small lean-to extension, and later two catslide roofed extensions. The piecemeal nature of the existing extensions, along with the mixture of facing materials within them negatively affect the character of the conservation area and the quality of the views of the rear of the buildings visible from Castle Park. An existing mature Yew tree set in the public open space behind the house does currently offer some screening of the rear. However, this cannot be relied upon as a permanent feature and whilst it is currently offered some protection through the conservation area designation and is in the Borough's ownership, it could still be removed if it became damaged or diseased.
- 4.3 It is proposed to clad the majority of the proposed extension in vertical Cedar boarding, with a small section on the northern side elevation to be faced in brick. The roof is proposed to be tiled in slate and the rainwater goods and joinery are to be powder coated aluminium.

## **5.0 Land Use Allocation**

- 5.1 The land is currently zoned as predominantly residential within the current Local Plan.

## **6.0 Relevant Planning History**

- 6.1 There is no relevant planning history for 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 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:

UR2 - Built Design and Character  
ENV1 - Environment

- 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  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP14 Historic Environment Assets

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

The Essex Design Guide

## **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 Advisor* – The site lies within the area of the Roman town and backs onto a Scheduled Monument. Groundworks related to this application would cause ground disturbance that has the potential to damage any archaeological deposits that exist. However, archaeological investigation can be adequately dealt with through condition and subject to the agreement of a foundation design that minimises ground disturbance, and therefore, impact upon buried archaeological remains.
- 8.3 *Historic Buildings and Areas Officer* – The principle of the extension is acceptable and similar rear extensions are evidenced throughout the area. The character and appearance of the original rear elevation of the property should be retained and expressed through the proposed extension. As such the following revisions are recommended; that the extension be finished in brick with details to match the existing rear elevation and the fenestration at first floor level is too wide and should be no more than two lights wide. The replacement door and fan light to the front elevation are acceptable.
- 8.4 Discussions with the applicant were opened following the recommendations made by the Historic Buildings and Areas Officer. In response the applicant has stated that they feel their proposed extension represents good design and that the chosen materials give the extension a modern appearance in stark contrast to the appearance of the wider conservation area; although one which is sympathetic to the parkland setting to the rear of the property. As such they do not feel that the extension would harm the character of the conservation area. The applicant is unwilling to make the changes requested and is confident of their chances of overturning any refusal of the application at appeal.

## **9.0 Parish Council Response**

- 9.1 The application site lies within an unparished town centre ward.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations were received.

## **11.0 Parking Provision**

11.1 The property does not currently benefit from any off-street parking, although a residents parking scheme is in effect. This application would not impact upon the level of parking currently available in the area.

## **12.0 Open Space Provisions**

12.1 A modest garden exists at the property, as a result of the proposed works the size of the garden would increase from 15 sq. metres to 20 sq. metres.

## **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:

- The Principle of Development
- Design and Layout
- Scale, Height and Massing
- Impact on the Conservation Area
- Impacts on Neighbouring Properties

15.2 The government is clear on the significance of achieving good design through the planning system. Paragraph 56 of the NPPF states that ‘...good design is a key aspect of sustainable development...’ and ‘...is indivisible from good planning...’ It goes further in paragraph 64: ‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.’

15.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 echoes the importance of good design and of taking the opportunity presented through development to improve the character of a given conservation area. Paragraph 72 of that Act places a general duty on Local Planning Authorities to pay special attention to the preservation or enhancement to the character of a conservation area. This general duty is reflected within the NPPF which at paragraph 131 states that planning applications must be weighed against ‘...the desirability of sustaining and enhancing the significance of heritage assets...’ and ‘...the

desirability of new development making a positive contribution to local character and distinctiveness...' The existence of an Article 4(2) Direction for this part of the conservation area underlines the importance to the Council of maintaining the character and appearance of the area as it currently exists.

- 15.4 These policies are reflected within the currently adopted Local Plan. Core strategy policy UR2 states that '...the Borough Council will promote and secure high quality...design in all developments to make better places...' Further, it requires that development be informed by the context of its location and also states that '...developments which are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.' This policy, along with policy ENV1 goes on to highlight the importance of preserving and safeguarding the unique historic character of the Borough.
- 15.5 These aims are furthered within the relevant development policies. DP13 on dwelling alterations, extensions and replacement dwellings states that applications which propose residential extensions to properties within the existing settlement boundaries will be supported where other policy requirements are met. With reference to this application design and the conservation of heritage assets are clearly relevant. Regarding the design and layout of the extension, development policy DP1 requires that all development be designed to a high standard and avoid unacceptable impacts upon amenity. Development proposals should respect and enhance the character of the site as well as its context and surroundings. If possible it should also remove unsightly features as part of the overall design proposal. Finally, DP14 states that development proposals which adversely affect a heritage asset, including conservation areas, will not be supported.
- 15.6 As seen above the principle of the development is clearly predicated on the application conforming with policies governing good design and on the preservation or enhancement of heritage assets, in this case the character of the conservation area. Further, attention should be paid to any harmful impacts upon the amenity of neighbouring properties caused through either loss of light or privacy.
- 15.7 The overall design submitted by the applicant is broadly accepted. The height, scale and massing of the extension clearly shows it as being subservient in terms of hierarchy to the parent building. However, reservations have been raised regarding the width of the window on the proposed eastern elevation at first floor level. Its width is considered to detract from the cohesive Victorian character of the area and the characteristic vertical emphasis of fenestration and the brick to void ratio. The proposal creates a more visually bulky effect, making the extension appear top heavy. As a result its width should be reduced from three lights to two which would result in a more visually pleasing design that is characteristic of the Victorian character of the area and parent artisan cottage.
- 15.8 In terms of the character of the conservation area, the built form is typified by simple artisan cottages and lower middle class housing of the period, which in this vicinity are mainly mid to late nineteenth century, two storey, terraced and semi-detached properties finished in red or Gault clay brick. As such, any extension should be informed by this context. As recommended by the Historic

Buildings and Areas Officer the material choices for the rear extension should allow for the form of the original building to be read through the extension itself. The use of vertical boarding on a publically visible elevation would appear alien and incongruous.

- 15.9 The removal of the existing rear extensions from the property, which by virtue of their form and piecemeal construction, are a weak addition to the rear, is clearly of benefit to the building, the character of the conservation area and to the amenity enjoyed from the area of Castle Park at the rear of the property. However, this benefit is more than offset by the harm associated with the use of inappropriate facing materials and the proportion/size of the large first floor window relative to the gable as a whole. Whilst many of the neighbouring properties have been extended in the past, these are conventional in form, fenestration and materials and consequently do not detract from the character/appearance of the area.
- 15.10 The two neighbouring properties, 7 Roman Road to the south and 9 Roman Road to the north would not be affected by the proposed rear extension through either loss of light or loss of privacy. A rear extension already exists at the side of the neighbouring property at 7 Roman Road, nearest to the proposed extension. This extends some distance into their existing rear garden. The proposed extension at 8 Roman Road would not extend beyond this meaning there would be little impact upon the privacy enjoyed at the property currently. The orientation and location of the dwellings relative to each other would mean that there would also be no impact through the loss of light. With regards to the northern neighbouring property at 9 Roman Road, again the location and orientation of the buildings and relationship between them means that the proposed extension would have no impact upon the amenity or privacy enjoyed at this property either.
- 15.11 With regards to the replacement front door and fanlight to the property frontage, no objections are raised to the proposed replacements, which are considered appropriate to the area in both their traditional design and materials.

## **16.0 Conclusion**

- 16.1 To summarise, the Council has sought a collaborative approach to this application and has identified a clear and positive route forward should the applicant be willing to cooperate. At present, the submitted scheme is considered unacceptable in terms of the design of the proposed rear pattern of fenestration and the proposed facing materials. It is considered that the current detailed proposal would harm the character and appearance of the conservation area. Should these issues be resolved successfully, it is recommended that the application could be approved. Should the applicant not be willing to submit amended drawings it is recommended that the application should be refused.

## **17.0 Recommendation to the Committee**

- 17.1 The Officer recommendation to the Committee is for deferral to provide the applicant with the opportunity to amend their drawings within a one month period

from of the date of this resolution. Should acceptable drawings be received within this time frame, the delegated approval of the application is recommended subject to the conditions outlined below. However, should acceptable drawings not be received within this time frame, it is recommended the case officer be given delegated powers to refuse the application for the reasons outlined in the report (alien and incongruous materials and fenestration that would harm the conservation area).

17.2 For the avoidance of doubt, the amended drawing should show:

- The rear extension finished in clay brick so as to maintain the character of the wider conservation area; and
- The first floor window serving the master bedroom on the eastern elevation of the property reduced in width to from three to two lights as to provide a more contextually compatible design solution.

### 17.3 Approval 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. ZAM - \*Development to Accord With Agreed Plans\*

The development hereby permitted shall be carried out in accordance with the plans submitted to and agreed with the Local Planning Authority.

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

#### 3. ZBC - \*Materials To Be Agreed\*

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are materials identified within the submitted planning application are incompatible with the character of the conservation area.

#### 4. Z00 – Matching Brickwork

The new facing brickwork shall match the existing brickwork in respect of colour, texture, face bond and pointing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the character of the conservation area from materials alien to it.



## **5. ZME - Sample Panel**

Prior to the commencement of any works a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the listed building.

## **6. ZMM - Additional Detail on Windows & Doors etc**

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, reveals, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **7. Z00 – Archaeological Investigation**

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).

17.4 Delegate refusal based on the following *grounds if revised drawings not received within one month:*

- Harmful impact of the proposed alien facing materials (timber boarding) on the character and appearance of the conservation area; and
- The uncharacteristic first floor fenestration of the proposed extension on the eastern elevation in terms of its excessive width in relation to the parent building and proposed gabled extension.

## 18.0 Informatives

18.1 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.

### 3. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### 4. ZTZ - Informative on Trees in Conservation Area

PLEASE NOTE that the site lies within a Conservation Area where the topping, lopping, felling or uprooting of most trees cannot be carried out without first giving the Local Planning Authority six weeks notice. Failure to comply with this statutory requirement may result in prosecution.