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7.2 Case Officer: Jane Seeley

MINOR

Site: 91 Chapel Road, West Bergholt, Colchester, CO6 3HB

Application No: 160531

Date Received: 8 March 2016

Agent: Mr Richard Young

Applicant: Mrs Pauline Rideout

Development: Demolition of existing bungalow and garage and construction of detached 4 bedroom house with detached garage

Ward: Lexden & Braiswick

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 it was called in by Marcus Harrington who was, at the time, Councillor for the then West Bergholt and Eight Ash Green ward. It was called in for the following reason: *"The proposed development is over-prominent within its street scene, being so much larger than the bungalow it seeks to replace. This is exaggerated by the contour of Chapel Road. The front of the proposed building encroaches too close to Chapel Road putting it unacceptably in front of the building line. Its height dwarfs neighbouring buildings although these are not demonstrated on the plans."*

2.0 Synopsis

- 2.1 This report gives consideration to the erection of a house on the site to replace the former two bedroom bungalow. The proposal is assessed in light of policy, consultation responses and representations. It is concluded that, subject to a number of conditions, the proposed development is acceptable

3.0 Site Description and Context

- 3.1 The application site is within the defined West Bergholt Settlement Boundary. It is on a bend in Chapel Road and a slight hill. Development along Chapel Road is mixed; there are some late 20th/early 21st century housing and bungalows adjacent to and opposite the site. There is housing to the rear of the site access off Spring Lane.

- 3.2 The site currently supports the remains of a bungalow and the walls of an extension which was commenced prior to the majority of the bungalow being demolished. The extension was permitted development (which was confirmed by a Lawful Development Certificate for various extensions and alterations to the original bungalow). The developer advises that when work commenced on the extension it became apparent that the bungalow had structural problems and for safety reasons much of it needed to be demolished.

4.0 Description of the Proposal

- 4.1 It is proposed to demolish the remains of the bungalow. As originally submitted the proposed house was intended to incorporate the new walls for the previous extension (to be a single storey side element to the new house). Since submission the design has been amended. The partially-built single storey element has been deleted. Neighbours and other consultees have been advised of the revised drawings. At the time of drafting this report the period for comments on the revised scheme had not finished. Any further representations received will be reported on the amended sheet.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 145415 - Erection of 3 bedroom detached House and detached single-storey garage after demolition of existing 2 bedroom bungalow and detached single garage. Refused. Appeal Dismissed
- 6.2 150744 - Lawful development certificate for proposed - Erection of extensions to sides, rear dormer to roof ,porch to front and detached single garage. Determined that the works are permitted 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 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:
- H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - SD1 - Sustainable Development Locations

- UR2 - Built Design and Character
- ENV2 - Rural Communities

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
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

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

- Backland and Infill
- Vehicle Parking Standards
- The Essex Design Guide
- External Materials in New Developments
- West Bergholt Village Design Statement

8.0 Consultations

8.1 Urban Designer Comments on original scheme:

I would generally support the application, which reviewed against adopted policy in the Essex Design Guide and Colchester Development Policies SPD, is not out of character for the mixed setting and reasonably addresses possible privacy, outlook and shadowing concerns. However, I would suggest in line with the Essex Design Guide (pp.103-109), for the apparent traditional design style key materials and details should be agreed, though perhaps through condition, i.e. wall, roof and front boundary materials; eaves, dormers and (generally) lintel and 100mm recess for masonry walls and pentice board/surround for rendered walls.

8.2 Highways Comments on original scheme:

As this proposal does not intensify the use of the existing access this Authority does not wish to submit a formal recommendation

8.3 Archaeological Officer

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. No objection

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website. As the consultation period expires after the finalising of this report any further comments will be reported on the Amendment Sheet.

9.0 Parish Council Response

9.1 West Bergholt Parish Council has responded as follows::

Comments on original scheme:

- Strongly recommend REFUSAL
- PC is not opposed to a development on this site, as long as it is more in keeping with the street scene, especially as the property is on a bend, and will be very prominent when approached from both directions.
- This is a sensitive site and the current application is not acceptable; specifically because of the bulk of the proposals, being excessive for the location.
- There should be no development in front of the existing front wall of the now partly demolished bungalow.
- The ridge is too high and should be about lower by about 1.00m thus allowing a more sensible transition between 89 and 93 Chapel Road. This will also help with the impact the proposal will have on Sanborn in Chapel Lane.
- The proposal is too close to 89 Chapel Lane there should be at least a 1.00m gap to the West boundary, due to the scale of the existing cottage.
- The roof levels on the ridges of 89, 91 and 93 Chapel Road as part of the conditions of any approval.

10.0 Representations

10.1 Comments on original scheme have been received from the occupants of 89a Chapel Road and Sanborn, Spring Lane:

- proposal is too overbearing, too high and bulky; dwarfing and too close to 89a Chapel Rd;
- adverse impact on light and privacy of the adjacent properties
- height of house will have an overbearing impact on Sanborn; both the house and garden gardens;
- garage is too far back and will be visible from Sandon impacting outlook;
- house is further forward than existing causing overshadowing to No 89a;
- adverse impact on light to window/door in the side of No 89a overlooking;
- concerned about drainage due to adjustments be made to flow of natural spring on the site and that the proposed soak away will not be adequate;
- choice of brick will be over imposing

10.2 Comments on the revised scheme have been received from 93 Chapel Road Sanborn, Spring Lane and 89a Chapel Road

- The revised scheme does not address concerns about height of the house and garage or the and the proximity to the rear boundary;
- Development will still over shadow and impact on light to No 89a;
- Suggest ground level is reduced below the dwelling and garage as per 93 Chapel or the height of the dwelling and garage is lowered and the size of the kitchen reduced;
- Concerned that PD rights will be used to build the single-storey side element that has been removed from the scheme;

- the size and position of the dwelling should be clear and agreed prior to commencement of any further construction;
- Although dimensions have been provided to set out the distance from the property at 89a and we would like to ensure that the property cannot increase or move closer to 89a or 93 Chapel Road;
- Suggest that further information regarding levels and positioning is provided.

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 garage is smaller than Parking Standards suggest; however there is parking for two cars (in line with Standards) on the drive.

12.0 Open Space Provisions

- 12.1 Not Applicable

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

Principle of the development:

- 15.1 As this is within the settlement boundary the principle of a replacement dwelling is acceptable (as it would be *outside* a settlement boundary). Policies including UR2, DP1 and DP12 require that new housing development needs to respect and enhance the character of the site and its context and be a high standard of design and layout.

Design of the dwelling/impact in street scene:

- 15.2 The site has a very low key bungalow (No89a) to the east and a house to the west which is at a lower level. Given the bend in Chapel Road and the differing levels the new dwelling will be prominent in the street scene.
- 15.3 The design of the proposed house reflects the recent development in the locality. The submitted street-scene illustrates that the house has a similar ridge height to No 93. The proposal dwelling is significantly higher than No 89a; however the revised scheme allows for an appropriate level of space between the bungalow and the two-storey bulk of the proposed dwelling.

15.4 Part of the house would be closer to the road than the former bungalow; the front projecting gable is approximately one metre further forward than the front elevation. The dwelling will be more dominant than the former low-key bungalow; however it is not considered that it will have an unacceptable impact in the street-scene. Conditions to ensure the levels are as per the submitted drawings are necessary.

15.5 Revised drawings detailing the design details suggested by the Urban Designer and expected prior to the Committee Meeting/

Amenity:

15.6 Concern has been expressed from the occupier of No 89a regarding loss of light. The scheme accords with SPD requirements regarding amenity for the front and side windows.

15.7 Consideration has been given to the proximity of the side elevation to No 89a. The closest distance between 83a, which is by the glazed front door and glass panel to No 89a, is approximately five metres. The door and panel give access to a hall way. As this is this is not a habitable room it is not considered that an amenity refusal on the basis of overbearing impact or light is sustainable.

15.8 The use of redbrick for the single storey element has been chosen to help break up the bulk of the dwelling. This element varies between four and five metres from the side wall of No 83a Chapel Road. At this distance the choice of material will not be unduly prominent.

15.9 The proposed dwelling is approximately 1.65 metres higher than the original dwelling. The rear wall is approximately 12 metres from the boundary with Sanborn and the ridge of the new house is approximately 20 metres from the boundary. Whilst the dwelling, will appear more significant than the previous bungalow, at this distance it is not considered that the impact will be unduly overbearing. Likewise the garage which is 3.2 metres to the ridge has a hipped roof which will reduce its impact. It is not considered that it will be unduly prominent from Sandborn or the other neighbouring properties.

15.10 When determining the Appeal for the scheme refused in 2014, which was for a larger, higher house and for a garage with a higher roof, the Inspector, whilst having issues with the design and size of the dwelling in the street scene, did not consider that the bulk of the development would adversely impact on the neighbouring properties

15.11 The dwelling has two rear dormers. One is to a bathroom and can be conditioned to be obscurely glazed. The other window will allow for some, mainly oblique, views into the rear gardens of nearby dwellings. An element of mutual overlooking is inevitable in this type of residential area and whilst it is appreciated that currently there are no views from the site into adjacent gardens, the presence of one bedroom window, is not considered to be so instructive as to suggest refusal.

15.12 It is suggested that Permitted Development rights are removed which will require any future extensions to the dwelling to be the subject of planning applicant so that the impact on amenity can be assessed.

Drainage/natural springs in the locality:

- 15.13 The site and surrounding area is not within an Environment Agency Flood Zone. The agent has advised that far as we know there has been no issue with drainage or springs on the site. The subsoil is ballast and well drained as the site is on a hill.
- 15.14 The Parish Council and the neighbour who raised these concerns about springs have been asked if they have any knowledge of springs in the locality. The Parish Council has indicated it does not have any such knowledge but has advised that streams in the village are difficult to accurately locate as there are many culverted sections. The neighbor advises that there is a nearby well and a spring in the garden of No 93. They also advise that a former owner of the site spoke of a spring or stream which runs close to the boundary of No 89a.
- 15.15 Environmental Protection records indicate a drain to the south of the site off Spring Lane but no water courses in the immediate vicinity. Neither Building Control nor the Environmental Agency has records that will assist in identifying a spring or water course in the locality. It is likely that only a site specific survey will establish whether or not there is a spring on the site. It is understood that the presence of a spring would not preclude development but appropriate measures would need to be taken during construction.
- 15.6 Building Control advised that the subsoils in the area are sands and gravels which are suitable for soak-aways.

16.0 Conclusion

- 16.1 Matters relating to design and amenity have been responded to and the proposed replacement dwelling is considered to be acceptable.

17.0 Recommendation:

- 17.1 Subject to receipt of the suitably revised drawings the recommendation is 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 drawings 1:1R dated 3/5/2016 and entitled ' Existing and Proposed Floor Plans, Elevations and Street Scene' and 'Block Plan'.

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

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 insufficient details within the submitted planning application.

4 - Non-Standard Condition/Reason

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

5 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

6 - Non-Standard Condition/Reason

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 en-suite window in the rear elevation shall be glazed in obscure glass to a minimum of level 4 obscurity and shall be of limited opening 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.

7 - *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 1995 (or any Order revoking and re-enacting that Order with or without modification), the en-suite window in the rear elevation shall be glazed in obscure glass to a minimum of level 4 obscurity and shall be of limited opening 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.

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.