

**PLANNING COMMITTEE
8 JANUARY 2009**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Mary Blandon, Nigel Chapman,
Peter Chillingworth*, Mark Cory, John Elliott*,
Stephen Ford, Wyn Foster*, Chris Hall, Sonia Lewis*
and Nigel Offen*

Substitute Member :- Councillor Laura Sykes for Councillor Helen Chuah*

(* Committee members who attended the formal site visit.)

182. Minutes

The minutes of the meeting held on 18 December 2008 were confirmed as a correct record.

183. 081868 Wyvern, Maytree & Wyvern, Crown Street, Dedham, CO7 6AG

The Committee considered an application for the demolition of two existing bungalows and the erection of two replacement dwellings of two storeys with garaging, landscaping and outbuildings. The site is within the village envelope and part of the site is within the Conservation Area for which a separate Conservation Area Consent application has been submitted and which will be determined under delegated powers after it is known whether an approved scheme is in place. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

184. 081870 and 081972 172 Lexden Road, Colchester, CO3 4BZ

The Committee considered planning application 081870 and application 081972 for Conservation Area consent for the demolition of an existing dwelling and the erection of three two and a half storey houses and garaging together with minor alterations to an approved house on plot 1 under F/COL/04/2256. The site is within the Lexden Conservation Area. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

John More, Principal Planning Officer, attended to assist the Committee in its

deliberations.

Members of the Committee made reference to conditions for sensor controlled security lighting which had been applied to the permission for plot 1 and a similar condition for this application was requested. Reference was also made to the close proximity of the site to houses in Byron Avenue and a condition for substantial hedging along the southern boundary was requested. Other queries were raised regarding arrangements for refuse collections, hours of work for construction and an arrangement either to prevent non-residents from parking on the access road or for residents only parking to be indicated.

In response it was explained that Condition 19 required details of security lighting to be provided prior to the development taking place. Condition 5 required similar details in respect of soft landscaping and an informative could be added stating that a hedge is to be provided along the southern/rear boundary. Hours of work on construction, as set out in the advisory notes on page 46 of the agenda for this meeting, could be added as a separate condition. In respect of refuse collections, the usual practice is for refuse to be left out on the street frontage, and in respect of parking, neither the access road nor the turning area are scheduled as public highway and the owners/developers would be able to erect signs to prevent inappropriate parking.

RESOLVED (UNANIMOUSLY) that –

In respect of application 081870:

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet together with additional conditions on hours of working as detailed above and an informative specifying the provision of hedging along the southern boundary.

In respect of application 081972:

(c) The application be approved with conditions and informatives as set out in the report.

185. 081939 28 Cape Close, Colchester, CO3 4LX

The Committee considered an application for a two storey side extension and a first floor rear extension. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. Reference was made to the proposed rendered finish being at variance with most of the surrounding properties. Also mentioned was the change in use of the first floor windows as a result of the proposed extension; the existing two clear bedroom windows would become one clear bedroom window and two obscured glazed windows serving a bathroom and an en suite room. It was recognised that the bedroom window created would be 2.5 metres nearer to no. 56 Rudsdale Way, but the proposal has been assessed based on the current window arrangement compared with the proposed window arrangement and it was considered that the proposal did not create excessive harm of overlooking to the rear. On-street parking in the adjacent narrow road was a particular problem at evenings, mornings and weekends, however there are currently two off-street parking spaces and as no increase in the number of bedrooms is proposed, this situation was not considered to be harmful. The noise and disturbance from the building works would be short term and controllable. In summary, albeit that this is an addition which will extend further backwards and would be rendered, it was considered that the proposal met all the Council's requirements.

Peter Jones addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He objected to the proposed extension on the following grounds: the render finish would be harmful to the appearance of the area and as such is unacceptable; the close proximity of the first floor rear window to the back of his property would be overbearing and have a detrimental appearance; the proposed side extension would be 1.8 metres higher and would be an invasion of privacy; Cape Close has seven houses with no car access or parking and parking problems already encountered would be magnified as the road was narrow and cars already have to park illegally on the pavement to allow other vehicles to pass, a situation which would be further accentuated if the property was to become a house in multiple occupation; the design is detrimental and the proposed two storey side extension would have an impact on sunlight and daylight to his property.

Members of the Committee had a number of concerns regarding the proposal. The whole area had been developed prior to the current Essex Design Guide coming into force and the existing back to back distance between properties in Cape Close and Rudsdale Way was already 5 metres below the Essex Design Guide standard. Some members of the Committee were of the view that if the proposed extension were to be permitted the back to back distance would be reduced to 18.5 metres which was considered to be materially significant. It was also considered that the difference in height between properties in Cape Close and Rudsdale Way was so significant that it materially affected the impact of the proposal on 56 Rudsdale Way. The external finish of most of the surrounding properties was brick whereas the proposed finish of the extension was painted render and some members were strongly of the view that, if permitted, the finish should be in brick. It was also believed that if this proposal was permitted, there would be the ability for other residents to cite fairness as a reason why they should also be permitted to erect an extension which would also be below

the Essex Design Guide back to back standard.

It was explained that in respect of the back to back distance, the Committee would need to make a judgment on whether the proposal would make the situation materially worse than the circumstances which currently exist in terms of types of glazing to the windows and the opportunity for them to be opened.

RESOLVED (MAJORITY voted FOR) that the application be refused on the following grounds:-

- that the proposal would cause harm to the amenity of the neighbouring property to the rear by reason of a significant loss of privacy through overlooking; and
- the use of inappropriate external materials, that is render within an area of predominantly brick finish, which would make the proposed extension appear incongruous in the street scene.

186. Enforcement Action // 13 Dugard Avenue, Colchester, CO3 9EH

The Head of Environmental and Protective Services submitted a report seeking authorisation to take enforcement action requiring the removal of an opening window and its replacement with a single fixed pane having Pilkington Textured Glass to an obscuration level of at least 4 or 5. A compliance period of three months was proposed. The Committee had before it a report in which all information was set out.

The window had been inserted into a dormer extension, also unauthorised, in a new roof slope. It had been determined that the removal of the dormer would not be requested because under the former legislation it would have been permitted development. However, the insertion of the second floor window constituted a breach of Condition 3 of planning permission F/COL/06/1928, the purpose of which was to safeguard the privacy of adjoining occupiers.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations.

RESOLVED (UNANIMOUSLY) that an enforcement notice be served with a compliance period of three months requiring the removal of an existing opening window and the insertion of a single fixed pane window having Pilkington Textured Glass to an obscuration level of at least 4 or 5.

187. Enforcement Action // Queens Lodge, 3B Queens Road, Colchester

The Head of Environmental and Protective Services submitted a report seeking authorisation to take enforcement action in a conservation area requiring the removal of fencing and the erection of a brick wall to match with existing. The section of wall around Queens Lodge, which bounds West Lodge Road, represented a very distinctive example of Victorian brickwork and is an integral part of the character of

Colchester Conservation Area No. 2. A compliance period of four months was proposed. The Committee had before it a report in which all information was set out.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. The site was in the Conservation Area and covered by an Article 4 direction which requires planning permission for the alteration of building and boundary treatments. Following discussion with the Council an application proposing rebuilding the brick wall reusing original bricks, where possible, was submitted. However the submitted design was for a plain wall which did not match the design of the original wall. This application was refused and the applicant had submitted an appeal against this decision.

Members of the Committee were aware that the owner has a very good reputation in Colchester. The wall had been in a dilapidated state and the Committee considered that the owner should have talked to the Council about it prior to its removal. It was stressed that the proposed action was not a reflection on the owners' reputation.

RESOLVED (UNANIMOUSLY) that an enforcement notice be served with a compliance period of four months requiring the removal of the fencing and its replacement with a brick wall to match the existing.