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Item No: 7.2

Application: 240183

Applicant: Mr S Barfoot

Agent: Miss Lauren Broomfield

Proposal: Part two storey, part single storey rear extension. Two storey side extension (resubmission of 230041)

Location: 278 Mersea Road, Colchester, Colchester, CO2 8QY

Ward: Berechurch

Officer: Sakeena El Diwany

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because of a call in from Councillor Dave Harris due to objections received from neighbours regarding the proximity between the proposed side extension and their property. The neighbours are concerned that the proposed extension is too close to the shared boundary and that they will be unable to access the South elevation of their property to carry out maintenance work. They are also concerned about the overhang of the proposed roof onto their roof.

2.0 Synopsis

2.1 The key issues for consideration are the proximity of the proposed extension and its impact on neighbouring amenity.

2.2 This application is a resubmission of a previously approved application (referenced 230041) submitted in January 2023. This application was of a larger footprint and scale, with the proposed two-storey extension the same distance (700mm) from the site boundary as the new proposal. The previous application was approved as it was considered acceptable and not contrary to local and national policies, and no objections were received.

3.0 Site Description and Context

3.1 The application site lies on the West side of Mersea Road, Colchester. The site contains a single two-storey detached dwelling that is set back from the highway via a front garden and driveway. The site does not lie within a Conservation Area and there are no Listed Buildings affected by this proposal.

4.0 Description of the Proposal

4.1 This proposal seeks consent for a part two storey, part single storey rear extension, and a two-storey side extension. This revised proposal has been changed from the previously approved application to reduce its footprint, as it no longer includes the single-storey rear extension element. The two-storey side extension element, however, remains virtually unchanged.

5.0 Land Use Allocation

5.1 Residential.

6.0 Relevant Planning History

6.1 This application is a revised submission of a previously approved application (referenced 230041) submitted in January 2023.

230041: Part two storey, part single storey rear extension. Two storey side extension – Approved.

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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

ENV1 Environment
DM13 Domestic Development
DM15 Design and Amenity

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

The Essex Design Guide
External Materials in New Developments
Sustainable Construction

8.0 Consultations

8.1 No objections from the stakeholders who have been consulted have been received.

9.0 Parish Council Response

9.1 The site is not within a Parish.

10.0 Representations from Notified Parties

10.1 The application resulted in one notification from a neighbouring property. The full text of the representation received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 The immediate neighbour to the North raised concern on how close the extension will be to the shared boundary, thus making access to the South elevation of their property difficult. They raised concerns that this will make it difficult to carry out maintenance work. They also raised concerns regarding the overhang of the proposed roof onto their existing roof.

11.0 Parking Provision

11.1 It is noted that the two-storey side extension element will extend over an existing side driveway and block off a rear garage. That being said, the proposal includes a very deep internal garage that is around 2.8-2.9m wide and in excess of 12m in depth. In addition, the front driveway will be retained and provide ample off-road parking. Taking this into account, it is considered that adequate onsite parking will be retained

with no pressures for on street parking. Essex County Council Highways have not objected.

12.0 Accessibility

12.1 This application is a Householders Application for a domestic extension to an existing dwelling. There are no steps proposed, internal or external and no other details that would raise concern over access issues or conflict with the Equalities Act.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 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.

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Scale, Height and Massing
- Impacts on Neighbouring Properties
- Private Amenity Space Provision

16.2 Principle - The application site sits in a residential setting within the defined settlement and as a result the development proposed is acceptable in principle and should be judged on its planning merits.

Design and Layout / Impact on the Surrounding Area

16.3 The proposal is a resubmission of a previously approved application (referenced 230041) submitted in January 2023. As can be seen from this new resubmission, the single-storey rear element has now been removed. The remaining two-storey side extension element for the ground-floor garage and first floor bedrooms remains unchanged. As with the previously approved application, the side extension element sits 700mm away from the shared boundary of the neighbouring property to the North. With regards to amenity, the North neighbour will be the most affected. This neighbouring dwelling is a bungalow however, and there are no South side elevation windows therefore there is no concern regarding loss of light.

- 16.4 While the neighbour's objections regarding the proximity to the shared boundary fence are noted, the proposed development does sit within the site boundary lines, and residents can build within their own land, within the red line site plan subject to relevant planning considerations such as impact on amenity through loss of daylight / sunlight and/or angles of outlook into private amenity spaces or living areas. Given that the proposal does not negatively impact the neighbouring properties amenity and that it is considered to be in keeping with the character of the existing dwelling in terms of its design, scale and form, it is therefore considered that a refusal on this basis would be difficult to justify.
- 16.5 It is important to note that the built form along the shared boundary is exactly the same as the previously approved planning application, which the applicants still have extant permission for. The neighbours will therefore not notice any difference between the previously approved application (which is still in date and can be commenced at any point), and the current proposed application. It is also important to note that this current resubmission is a reduction of built form rather than an addition of built form, as the ground floor rear extension element has now been removed from the proposal.
- 16.6 The proposed materials of matching roof tiles, UPVC aluminium windows and doors, and block and block walls with render is not only evident in the existing host dwelling but also prevalent in the neighbouring properties. The materials are therefore considered to be in keeping with the character of the host dwelling and surrounding area. It therefore complies with Policy DM15 Design and Amenity which provides that all development must respect and enhance the character of the site, its context and surroundings in terms of materials.
- 16.7 The main bulk of the built form will be to the North elevation where the two-storey side extension will be located. The proposed hipped roof reduces the massing and visual impact of the two-storey element. It is considered wide in comparison with the host dwelling however, it is noted that the dwelling opposite has in the past constructed a very wide two storey side extension and this example dwelling is of the same design as this host dwelling. In light of this, the proposed width is considered acceptable on balance.
- 16.8 In comparison to the surrounding plots regarding built form and footprint, the host dwelling is rather smaller than nearby neighbour's dwellings. With this in mind, although the proposed extension is a significant addition, it would not result in a dwelling that is out of context with the locality regarding overall footprint size and given the depth of the plot as well as neighbour examples, is not considered to be over development. Consequently, the character of the surrounding area will not be negatively impacted.

Impact on Neighbouring Residential Amenity

- 16.9 The two storey side extension element is located 700mm away from the shared boundary. This element will add around 4m in width to the host dwelling. This will then extend further at ground floor level with a ground floor rear extension, adding 7m in depth. The North neighbour will experience marginal impact. They have an existing rear conservatory that will be the main section of impact and given the nature of all glass structure, loss of light will be minimal. As stated

above, there are no side elevation windows affected. In addition, the increase in depth will not result in an overly deep dwelling and over development.

16.10 There is only one proposed new first floor rear window, and no proposed side windows. The proposed new bedroom rear facing first floor window will not create significantly greater angles of outlook into the rear garden of the neighbours beyond what currently exists. The height of the window as well as its angle of outlook is identical to the existing windows on the rear of the dwelling. Therefore, there will be no new angles of outlook into the adjacent neighbour's gardens. This angle of outlook is considered appropriate and will cause no harm.

16.11 The proposal therefore complies with Policy DM15 in this respect which states that all development must protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, daylight and sunlight.

Private Amenity Space Provision

16.12 While the plot is not overly large it is considered that adequate amenity space will remain without the feeling of overdevelopment. The proposal therefore accords with Policy DM13 in this respect.

17.0 Conclusion

17.1 To summarise, this proposal is of an acceptable design and, whilst there would be some impact upon the amenities of the occupier of the neighbouring property to the North, such impacts would be within acceptable bounds. This application is a revision of a previously approved application. While it is evident from objections that the North neighbours remain unhappy with the proposal, it is noted that the proposal is compliant with policy and a refusal would be difficult to justify. Lastly, as previously noted, in terms of impact on the North neighbour, the proposed built form along the shared boundary is exactly the same as the previously approved application, and that this new application is a reduction of built form rather than an addition of built form.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following 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 Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers Proposed elevations

referenced 2022/582/0201 dated January 2023, Rev C; Site plans & Block plans referenced 2022/582/0500 dated January 2023, Rev A; and Proposed floor & roof plans referenced 2022/582/0202 dated January 2023 Rev A.

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

3. ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

19.1 Informatives

19.1 The following informatives are also recommended:

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.