

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
18 February 2010 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**9. Amendment Sheet**

**66 - 74**

See amendment sheet attached.



# **AMENDMENT SHEET**

**Planning Committee  
18 February 2010**

## **AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED**

**LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS  
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED**

**7.2 091260 – Edward Marke Drive, Langenhoe**

**Amend additional consultation period end date to read 12<sup>th</sup> March  
2010.**

**7.3 091580 – Collins Green, School Road, Messing**

**Amend recommendation:**

**Defer and delegate to Head of Environmental & Protective  
Services subject to the satisfactory completion of a Unilateral  
Undertaking for contribution towards provision of Open Space  
Community Facilities, and subject to the following conditions:-**

**1 – Timescale for Implementing Design Changes**

**The proposed works to the external appearance and finishes as  
shown on the approved Drawing No.09.087/104 shall be  
implemented and completed within 3 calendar months from the  
date of this permission, or such other period as may  
subsequently be agreed, in writing, by the local planning  
authority.**

**Reason: For the avoidance of doubt as to the scope of this  
permission and in the interests of visual amenity as the existing  
dwelling have been constructed without compliance with the  
previously approved plans and these works are considered  
essential to addressing design concerns.**

## **2 – Removal of PD Rights**

**Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no enlargement of the dwellinghouses, as permitted by Class A of Part 1 of Schedule 2 of that Order, nor the provision of any building or enclosure within the curtilage of the dwellinghouses as permitted by Class A or Class E of Part 1 of Schedule 2 of that Order, nor development within its curtilage as permitted by Classes A-H of Part 1 and Classes A-C of Part 2 of that Order shall be carried out without express planning permission from the Local Planning Authority.**

**Reason: To safeguard the visual amenity of the area, to protect the amenity of the adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.**

## **3 – Landscape Design Proposals**

**Prior to the first occupation of the dwellings, full details of both hard and soft landscape proposals shall have been submitted to and approved in writing by the local Planning Authority (see BS 1192: part 4). These details shall include:**

- **Existing and proposed finished contours and levels.**
- **Means of enclosure, screens, walls, fences and railings.**
- **Car parking layout.**
- **Other vehicle and pedestrian access and circulation areas.**
- **Hard surfacing materials.**
- **Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).**

**Soft landscape details shall include:**

- **Planting plans.**
- **Written specifications (including cultivation and other operations associated with plant and grass establishment).**
- **Schedules of plants, noting species, plant size and proposed numbers/densities.**
- **Planting area protection or decompaction proposals.**

**REASON: To safeguard the provision of amenity afforded by appropriate landscape design.**

#### **4 - Landscape Works Implementation**

**Prior to the first occupation of any dwelling, the approved hard and soft landscape works as required by Condition 3 above shall have been carried out in accordance with the agreed details and implemented in full. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority.**

**REASON: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.**

#### **5- C1.5 Additional Drawings to Follow**

**Additional drawings that show details of proposed new windows, doors (including surrounds) plinth, cills, eaves / cornice detail to be used, by section and elevation, at scales of 1:20 and 1:1 as appropriate, shall be submitted to and approved by the local planning authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.**

**REASON: To ensure that the architectural detailing is visually satisfactory and enhances the appearance of the locality.**

**The occupiers of Albany House, Kelvedon Road, Messing, have written to support the application not to reduce the height of the houses but to modify their appearance. They point out that the Parish Council support, which appears to be registered as only one supporter, was actually based on a survey of the whole village in which the vast majority were in support. Reducing the height only has a minimal effect on the poor appearance of the houses and it is preferable to modify their general appearance as proposed.**

#### **7.4 091595 – 5 Broomhills Road, West Mersea**

**If Members are minded to accept the officer recommendation of approval it is proposed that the following additional condition be added to the list included on the main agenda:**

**‘Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 2 Class B (or any Order revoking and re-enacting that Order with or without modification) no new vehicular access shall be created where the site abuts ‘The Coverts’ without the prior written permission of the Local Planning Authority.**

**Reason: The Council would wish to fully consider the formation of a new vehicular access in this location in order to assess its acceptability in terms of visual impact and also in relation to matters of highway safety.’**

#### **7.5 100006 – 13 Coast Road, West Mersea**

**A new letter from Mr Ransome, acting on behalf of 11 Coast Road, has been received and copied to members via email. This letter raises several points which are already covered in the report. Mr Ransome states as fact that “Extending Your House?” (repeatedly referenced incorrectly in his letter as Extending Your Home) carries more weight than the Essex Design Guide because the former is adopted SPD. IN actual fact, the truth is that both area adopted SPD/SPG. The Essex Design Guide has been adopted for many years, in its 1997 form. Where there is conflict between the two, it has always been the policy, of this Council to afford more weight to the Essex Deign Guide on the basis that this document went through a far greater deal of consultation. This is because it is advised nationally that the more consultation a planning document has been through the greater weight can be attached to the finalised version. It should also be noted that the purpose of adopting Extending Your House was to provide advice to householders, rather than to compete with the Essex Design Guide.**

**Recently there have been several internal discussions about revoking or revising the “Extending Your House” document, as it is inconsistent with the Essex Design Guide standards on outlook and was also part-superseded by the changes made to the General Permitted Development Order in 2008. For example, the SPD states that extension crossing an imaginary 45 degree line drawn from the corners of building will not be permitted, however you can extend a detached dwelling by up to 4m as permitted development, often crossing this imaginary line anyway). The Essex Design Guide alternatively states that a rear extension must intersect a combined plan and elevation 45 degree line**

drawn from the nearest windows. The basis for this is that no harm is caused to a blank wall; only where there are windows would a built form have the potential to harm the outlook. However, this is a distraction from the planning merits of this case and an issue for another forum.

Additionally, at the site visit with the occupier of 11 Coasts Road all of the building heights were clearly explained. In fact, comparative reference points were highlighted and the plans laid out for Mr James to compare. Any confusion regarding this is on his clients' part, not the case officers.

Although Mr Ransome's other opinions are predominantly already countered by the report, they will be addressed in turn below:

#### **Overbearing**

Overbearing is covered in paragraphs 10.6 and 10.7 of the report. However, the letter states that the development is an extension contrary to Extending Your House. It is Mr Ransome's opinion that the pool enclosure will be overbearing on 11 Coasts Road and fails the test of extending beyond the imaginary 45 degree line. Apart from the point regarding the weights attached to the Essex Design Guide and Extending Your House, this is a very over-simplistic argument. There is a significant change in ground levels between the properties and the pool enclosure due to the steep gradient of these coastal properties. One would have to ask Mr Ransome to consider why this policy guidance is there in the first place, and what harm was caused? The policy is aimed at level sites whereby such extension might cause issues. This is not applicable herein. The policy is also aimed at ensuring that the rear of properties is not significantly overburdened by high walls that would be oppressive to the windows and seating area. The pool affects neither due to the instance from the rear elevation, terrace and the significantly lower ground levels. The garden might well be affected, but this is not protected in the same way, and does not justify a refusal. Mr Ransome has failed to identify this point in stating his opinions as fact. Much of Mr Ransome's letter is also directed at the Architects letter, but it is the Councils opinion that matters, not an argument between 2 planning agents with agendas set out by paying clients.

Based on the above points, Mr Ransome's comment that no measurements were taken is irrelevant. Apart from the fact that this is a rare practice anyway, it is clear that the height of the pool enclosure does not affect a combined plan and elevational 45 degree line from the patio or windows. Thus, apart from calculating by eye based on heights of reference features such as the nearest windows on the side wall of 13 Coast Road, the precise height of the wall at this part of the site is neither here nor there in terms of policy. Indeed, it highlights the fact that Mr

**Ransome seems to have taken only selective quotes from our SPD and used them where they fit his clients' needs rather than apply an objective and holistic consideration as the Council is required to do. For example, members should recall that Extending Your house states that "Generally it is the rear aspect of the adjoining house and private patio area of the garden that should be protected from development that is potentially overbearing". This quote makes no reference to rear gardens away from the house like that affected by the pool enclosure.**

**In terms of impact on the west-facing bedroom window of 11 Coast Road, the existing pitched roof would fail a simple plan form outlook test. The combined plan and elevation 45 degree test is met by the new development. The letter also refers to views, but members are reminded that views are not a planning consideration and are not protected.**

#### **Overshadowing**

**Overshadowing has already been covered in the report in paragraphs 10.1, 10.2 and 10.3. The case officer has been inside 11 Coast Road and would have referred to the closest room in question as a dining room by its function, however if this is incorrect then this is irrelevant in any case. The main matter is that this is a habitable room with windows that are not impaired by the new development in terms of impact on light assessed using our adopted standards (the Essex Design Guide).**

**Extending Your House states that "It is a combination of bulk, proximity and orientation that determine the extent of overshadowing". This is the basis on which the extension upwards has been considered. Extending Your House also states that "Proposals for extensions or new buildings should not result in the centre of the main window of a habitable room being within a combined plan and section 45 degree overshadowing zone". This criterion is met by the development and is therefore acceptable. Again, there are several points in the letter regarding the architects' most recent letter (a response to Mr Ransome's first objection). These do not relate to the Case Officers report or the Councils views set out therein.**



### **Privacy and Overlooking**

**This issue is addressed in paragraphs 10.4 and 10.5 of the report already. However, to expand on the issue there are some additional comments. Mr Ransome does not detail the impact on Number 15 Coast Road, however the existing terrace at number 13 already overlooks this site and therefore there is no loss of privacy (it is already lost). It is worth mentioning at this point that most of the rear gardens can be openly viewed from the adjacent public footpath, which can be accessed just westwards from the site and continues at the lower ground heights to the rear of the properties where the beach is accessible.**

**With regard to number 11, there is one valid point that Mr Ransome does make in his letter. The new kitchen window would overlook the patio. However, Extending Your House states that:**

**“There are various ways in which it is possible to design extensions so that the privacy of neighbours is not unacceptably affected. These include;**

**Careful configuration of internal accommodation,**

- Considerate arrangement of window openings,**
- use of high level windows with internal sill height of at least 1.6 metres that allow light in but prevent views out/down.**
- Use of obscure glass in windows which would otherwise overlook adjoining property. This often needs to be combined with restricted opening mechanisms to avoid the obscure glazed window being flung wide open.**
- Use of high fencing between opposing ground floor windows.“**

**It is therefore proposed that a condition to be use to secure the retention of the obscure glazing on this east-facing window.**

### **Design and Context**

**Finally, Mr Ransome raises several points with regard to the flat roof and contemporary design, which is inappropriate in his opinion. Government guidance is that Councils should not impose personal taste in design, or suppressive innovation. It is noted that there are examples of flat roofs nearby; one observed by the Case Officer is less than 100m to the west in Coast Road. The large flat roofed block of flats 2 doors eastwards was also noted. This block adds little architectural value to the area.**

**In terms of detrimental impact, it is also considered that neither the listed building opposite, nor the church further northwards, would be seen in the same contextual viewpoints as the proposed development.**

**Further points added by the Urban Designer in response to Mr Ransome's letter are set out below:**

**The contemporary design of this proposed building is welcomed in the street scene and from the views from the beach to the rear of the property. From Coast Road the house appears as a small dwelling, contained in a walled courtyard. This enclosed separation from principle views in the street and the glimpsed individual architectural design within is considered appropriate in the eclectic context of the immediate surroundings. The relationship to the church and other significant heritage landmarks are not considered of sufficient magnitude or relevance to dictate any particular architectural approach.**

**There is no overriding character of Coast Road. In this street, many houses of differing periods and styles show the typical seaside fad in which balcony and window alterations are made to exploit views to the sea. This provides no definite character and creates the opportunity for an individual design is of sufficient architectural merit to fit into the context.**

**This is the case with the proposal, in which a remodelling of the existing building creates a building which has a strongly contemporary style. The Essex Design Guide does not require all buildings to be pastiche or pseudo vernacular and providing the design has an acceptable level of detail there is no reason for the Local Planning Authority to have regard to preference with regard to style in this instance.**

**From the beach and oblique views that neighbours may have in their gardens the proposal responds to the topographical challenges of the site in much the same way as the existing dwelling. The mass and scale of the proposal impacts to very much the same degree as the existing house and the increase in size has been created in a sensitive manner with regard to the amenity and privacy of neighbours.**

**Given what could architecturally happen under permitted development rights in the back gardens of houses in Coast Road it is not considered that this well composed and considered remodelling is at all detrimental from the public views on the beach.**

**Further Condition**

**Obscure Glazed Kitchen Window**

**“Notwithstanding the details shown on the approved plans, the east-facing flank wall window illustrated as a proposed kitchen window (currently serving a bathroom) to be provided shall be retained glazed in obscure glass at all times hereafter unless an alternative scheme to protect from loss of privacy from this window has been submitted to and agreed, in writing, by the Local Planning Authority. Any alternative scheme that is agreed will also be retained as such at all times thereafter.**

**Reason: The existing bathroom window is obscure, but the changes shown on the plan include changing the room to a kitchen and replacing the glass with plain glass that would afford views towards the terrace of 11 Coast Road at present. Therefore, a scheme to ensure that this terrace is not overlooked from this window is necessary.**

7.7 091297 – 342 London Road, Stanway

Correction to the property address, this should read **342** London Road Stanway, not 324 as stated in the ‘location’ and ‘site address’.

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**SUPPLEMENTARY AGENDA**

**Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**