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Item No: 7.3

Application: 231273

Applicant: Dalziel

Agent: Lewis

Proposal: Extension of existing garage to facilitate granny annex to rear of garden

Location: Oak House, 1 West Lodge Bungalows, Bounstead Road, Colchester, CO2 0DE

Ward: Berechurch

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Pearson who states: "1. This appears to be an additional residence on a plot which falls within the remit of Policy ENV1. 2. Should this application be approved there is a risk of applications being made for neighbouring plots which could be the wedge that undermines ENV1 as it pertains to this rural area of the city."

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of an annex within the countryside as well as its design and scale along with any impact upon highway safety, neighbouring residential amenity, trees and wildlife.

- 2.2 The application is subsequently recommended for approval. The scheme has been amended to reduce it from two bedrooms to one bedroom and to also slightly reduce the size of the building. This allows the annexe to accord with Policy DM13 as a genuine annex (not separate dwelling) as it is modest in scale and there will still be some reliance on the host property in terms of site access, shared parking, shared garden area and shared postal address. A condition would also be applied to ensure the building is used as an ancillary annexe and not as a separate dwelling.

- 17.2 There is adequate parking provision on site and there would not be any significant detriment to neighbouring residential amenity, vegetation or wildlife. The design, scale and form of the annexe is also considered acceptable and would not detract from the street scene and surroundings.

3.0 Site Description and Context

- 3.1 The site consists of an existing, detached dwelling, garage and garden that lies in the countryside beyond the settlement limits of the City. There are neighbouring properties either side and woodland to the rear.

4.0 Description of the Proposal

- 4.1 The proposal is for the single storey extension of the existing garage to facilitate a granny annex to the rear of the garden. The scheme has been amended to reduce it from two bedrooms to one bedroom and to also slightly reduce the size of the building. The annex would also provide a living area, kitchen and bathroom.

5.0 Land Use Allocation

- 5.1 Residential curtilage

6.0 Relevant Planning History

- 6.1 F/COL/04/1269
02/07/2004 - Full
Approve Conditional - 10/08/2004

F/COL/04/2261
09/12/2004 - Full

Approve Conditional - 01/02/2005

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
- SP3 Spatial Strategy for North Essex
- 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:

SG1 Colchester's Spatial Strategy
SG8 Neighbourhood Plan
ENV1 Environment
ENV5 Pollution and Contaminated Land
CC1 Climate Change
OV2 Countryside
DM13 Domestic Development
DM15 Design and Amenity
DM16 Historic Environment
DM19 Private Amenity Space
DM21 Sustainable Access to development
DM22 Parking

7.4 Neighbourhood Plan: N/A

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards

Sustainable Construction
Cycling Delivery Strategy

Urban Place Supplement
Managing Archaeology in Development.
Developing a Landscape for the Future

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 **Highway Authority** “does not object to the proposals as submitted.
Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.
- 8.3 **Tree Officer** states: “I can see no significant impact on trees. Condition tree protection and retention from standard conditions.”

9.0 Parish Council Response

- 9.1 Non-Parished.

10.0 Representations from Notified Parties

- 10.1 None received with the exception of the comments made by Cllr Pearson as detailed above.

11.0 Parking Provision

- 11.1 At least 6 car parking spaces.

12.0 Accessibility

- 12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DM21 (Sustainable Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

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

Principle

16.1 With regard to the principle of the proposal, settlement policies strictly control the creation of new, separate dwellings in the countryside. However, as the proposal is for an annexe, Policy DM13 is most relevant which does allow the provision of annexes in the countryside subject to consideration against the following principle criteria:

Policy DM13: Domestic development:

Residential annexes Residential annexes will be supported where the need for additional space cannot be met within an existing dwelling or buildings suitable for conversion on the site in the first instance, provided the proposal meets the following criteria:

(i) The proposal is physically attached or closely related to the main dwelling so that it cannot be subdivided from the main dwelling;

(ii) The proposal retains some form of demonstrable dependence on the main dwelling, such as shared access (including both vehicular access and doorways) and communal amenity spaces (the use of annexes as a separate dwelling will not be permitted and the desire for annexed occupants to be independent from existing residents will not be considered as adequate justification to allow self-contained dwellings in annexes);

(iii) The proposal respects and enhances both the character of the original dwelling and the context of the surrounding area through high quality design; and

(iv) The proposal does not result in the loss of amenity to neighbouring properties.

16.2 In this case it is considered that the principle of the annexe does satisfy the criteria outlined in Policy DM13. It would be quite close to the existing dwelling and attached to a garage that would still serve the existing dwelling. It would retain some dependence on the main dwelling, with a shared access and parking and shared garden and shared postal address. The building is also modest in size and has been amended to reduce it from two bedrooms to one bedroom and to also slightly reduce the size of the building.

16.3 The design, scale and form of the annex would also respect its context and does not undermine the character of the street scene or setting of the original dwelling. It is also not considered there would be a detriment to neighbouring residential amenity, as will be discussed below.

16.4 This is therefore considered to be a genuine annexe of modest size that complies with Policy DM13 and would not be deemed to constitute a new dwelling, thereby not conflicting with settlement policies, including ENV1 as mentioned by Cllr Pearson. A condition would also be applied to ensure the building is used as an ancillary annex and not as a separate dwelling. With regard to the layout and design of the proposal, the proposal therefore also complies with Policies SP7 and DM15 of the Local Plan which provide that development must respect and enhance the character of the site, its context and surroundings in terms of architectural approach, height, size, scale, form and massing.

- 16.5 The proposal should therefore be judged on the other relevant planning merits including impact upon parking provision, impact on neighbouring amenity in terms of outlook, light and privacy and noise and disturbance and any impact upon vegetation and wildlife.

Highway and Parking Issues

- 16.6 No objections have been received from the Highway Authority. There would not be a significant intensification of use of the site in terms of vehicular movements and the existing access onto the road has good visibility in either direction anyway. There would be at least six car parking spaces available on site as the frontage is used for parking and there is also a long driveway. This level of provision exceeds the adopted parking standards as referenced in Policy DM22 and the County Council adopted parking standards. The proposal therefore complies with Local Plan policy DM15 which provides that all development must create a safe environment.

Impact Upon Neighbouring Residential Amenity

- 16.7 It is not considered the use of the annexe could be objected to on the grounds of potential noise and disturbance to neighbouring properties (Policy DM15). There is already a vehicular access running alongside the neighbouring boundary to the existing garage and the intensity of vehicular use would not increase so significantly to warrant a refusal in this respect. The annexe itself is also away from the neighbouring boundaries so this should limit any other noise and disturbance.
- 16.8 The proposed development would not appear overbearing on the outlook of neighbours. Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached, and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide. There would also not be any overlooking from the single storey building.

Other Issues

- 16.9 A tree survey has been submitted and the tree officer has confirmed that there would not be any significant impact upon trees subject to a standard tree protection condition.
- 16.10 There would be no impact of significance upon wildlife and a condition to secure a 10% biodiversity net gain can be applied in accordance with Policy ENV1.
- 16.11 Adequate private amenity space would be retained for the existing dwelling and for the annexe in accordance with Policy DM19.

17.0 Planning Balance and Conclusion

- 17.1 In conclusion, the scheme has been amended to reduce it from 2 bedrooms to one bedroom and to also slightly reduce the size of the building. This allows the

annexe to accord with Policy DM13 as a genuine annex (not separate dwelling) as there will still be some reliance on the host property in terms of site access, shared parking, shared garden area and shared postal address. A condition would also be applied to ensure the building is used as an ancillary annex and not as a separate dwelling.

17.2 The design, scale and form of the annex is also considered acceptable and would not detract from the street scene and surroundings. There is adequate parking provision on site and there would not be any significant detriment to neighbouring residential amenity, vegetation or wildlife.

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 Accord with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: IAD025.301 Rec'd 27.6.23m, IAD025.300.03 Rec'd 3.7.23.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZBA- Materials to Match

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

4. ZDP- Rural Annexes

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Oak House, Bounsted Road.

Reason: For the avoidance of doubt as to the scope of the permission, as this is the basis upon which the application has been submitted and subsequently considered and any subdivision of the site into independent units would require the careful consideration against the current policies of the Local Planning Authority at such a time as any proposal were to come forward, as the site lies within the countryside where it may constitute unsustainable development.

5. ZFS-Tree and Hedgerow Protection

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, 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. Any tree works agreed to shall be carried out in accordance with BS 3998.

6. Z00- Biodiversity Net Gain

Prior to first occupation of the development hereby approved, precise details of a scheme of wildlife enhancement measures to deliver a 10% Net Biodiversity Gain, together with an implementation timetable shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved detailed scheme and implementation timetable and thereafter so maintained.

Reason: To ensure adequate wildlife mitigation in accordance with Local Plan Policy ENV1 c).

7. Z00-Foul Drainage

Prior to the first occupation of the development, precise details of foul sewage drainage works for the annexe shall be submitted to and agreed in writing by the Local Planning Authority. The approved works shall be installed prior to first occupation of the annexe and thereafter be available for use.

Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise.

19.1 Informatives

19.1 The following informatives are also recommended:

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

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.

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 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.

Positivity Statement

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.