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Item No: 7.5

Application: 210822

Applicant: Mr Ray Millar

Agent: Mr W Andrew Todd, At Design Stage

Proposal: Single storey rear extension, and Log cabin type summer house

Location: 2 Woodview Close, Colchester, CO4 0QW

Ward: St Anne's & St John's

Officer: John Miles

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 Hogg for the following reason:

Strength of objections by 9 residents on the grounds of over development on the proposed site and out of keeping with the existing bungalows in the area. Also on the ground of setting a precedent for future developments in the immediate vicinity and the area.

2.0 Synopsis

- 2.1 The key issues for consideration are impact on the character and appearance of the host dwelling, surrounding area and impacts on neighboring amenity.
- 2.2 It is considered that the proposed development is appropriately designed and will not cause harm to the character and appearance of the host dwelling or the surrounding area. The proposal is held to accord with adopted policy with regards to preservation of neighboring amenity and in terms of other planning considerations (e.g. damage to trees or highway matters).
- 2.3 The application is subsequently recommended for approval, subject to conditions.

3.0 Site Description and Context

- 3.1 The site lies with the Colchester settlement boundary in a relatively modern close that contains a mixture of properties. The site contains a detached bungalow with associated detached garage. There is an area of hardstanding in front of the dwelling's garage providing space for off-road parking. The dwelling's primary amenity space is located to the rear of the dwelling.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for a single storey rear extension and a free standing summerhouse to the rear garden. The application has been revised since first submitted with the roof form of the proposed extension revised to a hipped roof, in addition to the depth of the extension being reduced slightly.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 Permission for the close that the application dwelling lies within was granted in 1985 under application 84/1281. The conditions of this permission included the removal of permitted development rights for extensions to the approved dwellings meaning that while additional extensions are not explicitly

prevented, proposals for any such development would be subject to additional consideration as a planning application would be required. The condition is reproduced below for reference:

11. Notwithstanding the provisions of the Town & Country Planning General Development Order 1977 (or any order revoking and re-enacting that Order) no extensions shall take place to the dwellings to be erected in accordance with this permission without the specific consent of the local planning authority.

Reason: To protect the amenity of existing residential occupiers and ensure that as far as possible existing trees are retained.

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 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character
ENV1 – Environment

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

7.4 Submission Colchester Borough Local Plan 2017-2033: The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and

3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted, with Section 2 having progressed to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

- 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

8.0 Consultations

- 8.1 Due to the nature of the proposed development and the lack of notable site constraints no specific external or internal stakeholders were identified who were required to be consulted on the application, beyond those parties identified in the below sections.

9.0 Representations from Notified Parties

- 9.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The consultation exercises resulted in 7 objections, two general comments and one comment of support, between representation from 6 different parties. Please note representations were received in respect of both the original and revised proposals, with consultation undertaken on both set of plans. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:
- Loss of (sun)light and outlook
 - Landscape impacts
 - Out of keeping with properties in the area
 - Overdevelopment of the site
 - Inappropriate design
 - Environmental Impacts
 - Health Impacts

10.0 Parking Provision

- 10.1 The host dwelling benefits from an area of hardstanding to the south of the site for vehicle parking and this area is unaffected by the proposed development.

11.0 Accessibility and Equality Duties

11.1 It has been identified in representation received that there is the potential for the granting of planning permission in this instance to result in specific disadvantage being suffered by an individual as a result of a protected characteristic they have - specifically with regards to potential health implications from dust during construction works. Given this a standalone bespoke equality impact assessment has been undertaken to assess this issue, in light of the Council's Public Sector Equality Duty under the Equality Act 2010. This assessment is held on the planning record. Subject to the imposition of a condition covering the production and implementation of a Method Statement for the Control of Dust it is considered the Council can suitably discharge their duties under the Equality Act as appropriate action has been taken to remove or minimizing disadvantages suffered by people due to their protected characteristics and the granting of planning permission is not considered to present conflict with any other arms of the Public Sector Equality Duty.

12.0 Environmental and Carbon Implications

12.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF.

13.0 Open Space Provisions

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

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 of Development

- 16.1 Development Policy DP13 states that within the Borough's settlement boundaries, residential extensions (inter alia) will be supported where they meet other policy requirements. The application site is identified as being within the defined settlement boundary of Colchester Town and given this, the proposal is considered to be acceptable in principle, subject to the usual material considerations, outlined below.

Design and Layout

- 16.2 Core Strategy Policy UR2 seeks to promote and secure high-quality design. Development Policies DP1 set out design criteria that new development must meet, this includes that development should be of a high quality and respect the character of the site and its context.
- 16.3 It is considered the design, scale and form of the proposed extension is acceptable. The proposed extension adopts an eaves and ridge height to match the existing dwelling and reads as a natural continuation to the existing built form. The extension has a proposed depth of 3500mm and is subordinate to the existing dwelling in this regard. The materials proposed to the extension comprise of facing brickwork, interlocking concrete tiles and stained timber, with all the proposed materials to match those used in the construction of the original dwellinghouse.
- 16.4 The proposed summerhouse is modestly proportioned and is considered of an acceptable scale and form, considering the surrounding context. The proposed summerhouse is of a traditional design for an ancillary domestic outbuilding, is to be primarily constructed from timber and is expected to sit quietly to the rear of the dwelling in a context where sheds, outbuildings and other domestic paraphernalia are common. It is also not considered the summerhouse will appear as an overly dominant or otherwise obtrusive feature in its proposed setting.
- 16.5 Following the proposed development the host dwelling will retain in excess of the minimum 60m² of functional amenity space required by policy for a dwelling of its size and it is considered the site can satisfactorily accommodate the quantum of development proposed while avoiding a cramped or over-developed appearance.
- 16.6 Notwithstanding the above, taking into account the position of the proposed development to the rear of the dwelling and the existing surrounding natural and built form, it is anticipated the proposed development will be of limited visibility from surrounding public environs and as such any impact on the character and appearance of the surrounding area, positive or negative, will be minimal.

16.7 Taken as a whole the design of the proposed development is considered satisfactory on its own merits. The development is visually acceptable and would not materially detract from the appearance of the original dwelling. The design and layout do not harm the surrounding area either and the proposal is considered to be in conformity with of Policies UR2 and DP1.

Impact on Neighbouring Amenity

16.8 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

16.9 The proposal is not considered to have a materially harmful impact on the outlook of neighbouring properties. With regards to the proposed extension a 45 degree angle of outlook will be retained from neighbouring properties where such an angle of outlook is already afforded. Similarly, there are no concerns with regarding loss of light from the proposed extension. 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. The proposed extension will also not be within a 25 degree angle on elevation from a point 2 metre above the floor level at the façade of the rear of the dwellings fronting Evergreen Drive and subsequently there are also no concerns with regards to impacts on the amenity of these properties. Taking into account the position, scale and form of the proposed summerhouse, in addition to the existing natural and built form, there are also no concerns this structure will have any materially harmful impact on the amenity of neighbouring properties by way of either loss of light or outlook.

16.10 Specific concerns have been raised regarding the impact of the proposed works on neighbouring dwelling's solar gains, however taking into account the existing built form, the scale for the development proposed, and with the proposals in accordance with the Council's standards for assessing the issues of loss of light it is not considered any impact on passive solar gain arising from the development would be significant such to be considered materially harmful, nor would it otherwise be reasonable or necessary to request a more detailed analysis of such matters be undertaken.

16.11 Additionally, the proposal does not include any new windows that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the Essex Design Guide .

16.12 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with Policy DP1 or the NPPF, insofar as they seek to protect existing public and residential amenity.

Landscape and Trees

- 16.13 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within section 15 of the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 16.14 The proposal does not give rise to any concerns with regard to the preservation of the existing landscape character or wider natural environment. The additional built form proposed is to be well contained within an area of existing development and views of the proposed development from public environs is anticipated to be limited, with existing landscape character preserved. The proposed development is also not anticipated to be to the detriment of any existing notable natural features

Highways Matters

- 16.15 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009). As discussed, the dwelling is to retain its existing parking provisions and the proposed development is neither anticipated to materially alter the parking provisions required on site, nor do the proposals otherwise give rise to any concerns in relation to highway safety. While concerns have been raised in relation to construction traffic, owing to the relatively minor scale of the development proposed there are no concerns any associated vehicle movements would be material to highway safety or the amenity of surrounding properties.

Flooding

- 16.16 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defence measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures less than 1 hectare and as such an FRA is not required to support the application. The proposal site is outside of any flood zone and the proposed development is not anticipated to have a material impact upon surface water drainage within the locality

Ecology

- 16.17 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 16.18 The proposal has been assessed in line with the NPPF and Natural England Standing Advice. The site is not considered to encompass suitable habitat for protected species, nor is the proposal considered likely to have an impact upon protected species. The proposal is therefore acceptable in regard to biodiversity.

Other Matters

- 16.19 Concerns have been raised regarding that the concrete base for the summerhouse has already been laid and that the base will also increase the height of the structure. The Agent for the application has confirmed that the height of the summerhouse shown includes any associated base and any approval would be subject to a standard condition recommending the development is constructed in accordance with the approved plans, including to the height shown. Notwithstanding it appears the base itself may constitute 'permitted development' any works already undertaken also in no way prejudice the above consideration given to the proposals put forward.

17.0 Conclusion

- 17.1 To summarise, the proposed development is held to accord with the Council's policy requirements. The proposed extension is considered to relate satisfactorily to the host dwelling and the works proposed, when taken as a whole, will neither be to detriment of the character and appearance of the wider area, nor the amenity of neighbouring properties or any existing natural features. The proposed development is therefore also not anticipated to result in the harm that the condition restricting permitted development rights applied to the original permission for the dwelling sought to prevent. The imposition of a condition covering the control of dust during construction is recommended to ensure the Council can suitably discharge their duties under the Equality Act, as outline in section 11.1.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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 Number RM-PP-01-B (Dated 6/5/2021).

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

3. ZBB – Materials as Stated in Application Form

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

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

4. Z00 – Bespoke Condition - Dust Control

No works shall take place, including any demolition, until a Method Statement for the Control of Dust has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable, when taking into account the particular circumstances identified.

19.0 Informatives

19.1 The following informatives are also recommended:

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. 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.