

Planning Committee

Thursday, 21 January 2021

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Martyn Warnes
Apologies: Councillor Brian Jarvis, Councillor Philip Oxford
Substitutes: Councillor Robert Davidson (for Councillor Brian Jarvis), Councillor Gerard Oxford (for Councillor Philip Oxford)

821 Minutes of the Previous Meeting

The minutes of the meeting held on 10 December 2020 were confirmed as a correct record.

822 201753 7 Lexden Grove, Colchester

The Committee considered an application for the erection of two-storey front and rear extension, increased width of existing side box dormer, and porch.

The Committee had before it a report in which information about the application was set out.

The Committee members had been provided with photographs of the site taken by the Senior Planning Officer to assist in their assessment of the impact and suitability of the proposals.

Ms Norris addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application.

Ms Norris explained that she represented the views of the near neighbours in Lexden Grove and Colvin Close who were largely affected by the proposed planning application.

7 Lexden Grove had been a modest 4 bedroom house like a number of other on the development but had been considerably extended in recent years doubling in size, with a two-storied extension to south, and a single storey on the north boundary. Further extension as proposed would be an over-development for the limited size of the site, completely out of scale with all the other properties on similar sized plots in Lexden Grove and Colvin Close.

Residents had no objection to a single-storey extension to the rear - only to the upper storey.

The properties particularly affected were 5 Lexden Grove and 6 Colvin Close, on the

north, and eastern boundaries of 7 Lexden Grove respectively. Main objections were the loss of amenity, privacy and light by the two storey rearward extension. It would extend the building by 12 feet into the garden, halving its current distance from the western boundary of 6 Colvin Close and bring it to 14 feet from the fence.

The two- storey face of this extension would intrusively dominate the western boundary and closely overlook the patio and garden of 6 Colvin Close, and significantly impact the privacy and amenity of both properties. The overlooking would be further exacerbated as the first floor window of the extension would be wider than the current one, and no less than twice the height at some 6 feet/2 metres. It would be very intimidating.

The two-storey extension would compromise light to the east facing kitchen, bedroom, patio and garden at number 5. It would present an ugly cliff of brick, tile and window along some two thirds of the applicant's northern boundary, visible from both number 5 Lexden Grove, and from number 6 Colvin Close. It would loom over rear gardens and seating areas and spoil the use and enjoyment of neighbouring residents' homes and gardens.

Councillor Lissimore attended and with the consent of the Chairman addressed the Committee speaking on behalf of the residents.

Councillor Lissimore explained that the application had been called in as it proposed a large extension on a property that has already been extended in years gone by. Photographs that had been provided by the resident illustrated that this extension would be intimidating for the neighbours, visually dominant and detrimental to the character of the surrounding area

Residents were concerned about the rear extension, there was no argument about the front extension since it had been reduced.

The proposal did not comply with local plan policy DP1 as it did not enhance the site, its scale was out of context with other buildings and was too dominant. Paragraph 16.6 of the report stated the new extension projection is 'only' 3.6 meters beyond the rear wall of the neighbouring property. However this area that would be filled by the extension would be where light came into to the adjoining garden, this would result in little direct sunlight especially in winter. This loss of light was an issue.

The full-length windows that are floor-to-ceiling at the rear of the extension at first floor would be particularly intimidating for the neighbours. Whilst there was already a much smaller window further away in the existing building, the proposed extension would bring the windows closer to neighbouring properties, and the increase in size would make it more imposing. It would result in a greater loss of privacy, allowing a view of the whole depths of neighbours gardens. Residents did not agree that this was far enough away, the window was so large and closer to the boundary than the existing one that overlooking was an issue.

The pitch roof proposed would be intimidating and would both block the amount of light available and create a blocked in feeling in neighbours' gardens. This had been

demonstrated in the photographs circulated. The cul-de-sac had already experienced many extensions, but this extension seemed to be a step too far in that it would be overpowering, overbearing and make the area claustrophobic.

Local residents in the area were asking that this application be declined and that the applicant work with the planning officer to reduce the size of the rear extension to stop it taking over the neighbourhood, blocking light, as they believed that a better design could give the applicant what they required but also not have such an intimidating presence upon this cul-de-sac.

If the application were to be approved there was a request that the size of the windows be reduced to alleviate the prospect of being overlooked.

Chris Harden, Senior Planning Officer, presented the report and assisted the Committee in its deliberations.

The Senior Planning Officer shared a presentation with members including plans from previous applications and for the current proposal as well as a large number of photographs including those provided on behalf of residents. He explained that some images had been taken in earlier in the year so showed more vegetation. The tree under a Tree Protection Order and others were not impacted by the proposed development.

The extension proposed to the rear was one and half storey in height. Design and scale had been considered and found to be acceptable. The proposed front extension had been reduced and 2 parking spaces retained which met standards required. This was considered not to be detrimental to the character of the street scene.

The rear extension was the same height as the original rear element and blended in, it complied with the 45° standard and the distance from the boundary complied with the standards used for loss of light by the Council and in the Essex Design Guide. There was a significant distance (8.6metres) to the rear boundary, so potential overlooking was marginal. To mitigate a condition for obscure glass with a height 1.7m above floor level could be added as well as a condition for more planting. He pointed out that the proposed side dormer would have obscure glass. He confirmed that the amenity space retained exceeded standards required.

All members expressed concern over the overall size of the proposal, being disproportionate and oversized. It was over development, too near to neighbours and overbearing. It was suggested that the application breached the rule that it was not permitted to build over 25% of the size of the original dwelling. The proposed extension was out of character with the rest of the road and visually overpowering with a loss of amenity and privacy for neighbours. The rear extension would result in over-shadowed gardens and although it had been pointed out that it met the requirements of light lost, members felt it encroached considerably on sunlight.

The large windows proposed at the rear overlooked neighbours' gardens and it was

possible that in the future a balcony might be added. Therefore it was suggested that a condition to remove Permitted Development Rights should be added if the application was approved. Obscure glass was also proposed.

The plans presented showed 5 bedrooms and the number of vehicles was raised and whether 2 parking spaces would be sufficient.

It was suggested that alternatives to the rear extension could be considered such as moving the extension to the other side of the property or replacing it with a broader, single storey one.

The Senior Planning Officer clarified that the distance from the rear boundary was 24 feet and that the percentage rule did not apply to development in settlement limits. The Lead Officer: Planning, Housing and Economic Growth confirmed that this dated back to 2004 when the percentages of new build on properties was set at 33% but only in rural areas.

Simon Cairns, Development Manager appreciated neighbours' and members' concerns in regard to the rear extension, the perception of overbearing and the large windows on the rear gable. He stated that if the Committee were minded to defer the application, this would give officers an opportunity to negotiate with the applicant on issues of size, scale and improve proportionality and request that the applicant explore other design solutions including handling the first floor extension.

In light of the reservations expressed by all members over the proportionality of the proposal in relation to the size of the plot, deferral for further negotiations was proposed and seconded.

RESOLVED (UNANIMOUS)

that the application be deferred for officers to negotiate with the applicant to reduce size/scale, proportionality and to explore possible design alternatives, and the outcome of negotiations to be reported back to a future meeting of the Committee.

823 Interim Planning Scheme of Delegation

The Committee considered a report by the Assistant Director, Place and Client Services proposing an amendment to the temporary measures that were introduced to allow planning decisions to be made during the Covid-19 lockdown and changes to the scheme of delegation while virtual committees are in operation. Members were also asked to note all those applications that have been determined under the delegated arrangements since the last update in December

Karen Syrett, Lead Officer: Planning, Housing & Economic Growth presented the report and explained that the interim arrangements for the consideration of planning applications and changes to the scheme of delegation had worked well but it was now suggested that where there had been member call-ins, made in line with the protocol, these be referred to the virtual Planning Committee. This process would

be reviewed in May 2021 and was to the Planning Committee to determine.

RESOLVED (UNANIMOUS) that

- (i) a change to the interim scheme of delegation be approved to require that all member call-ins, made in accordance with the Planning Procedures Code of Practice, be referred to the virtual Planning Committee
- (ii) The interim scheme of delegation to be reviewed by the Committee in May 2021.
- (iii) The applications listed in the Assistant Director's report which had been determined under the emergency delegation be noted.