



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

**Item No:** 7.3

**Application:** 183001

**Applicant:** Mr & Mrs Parker

**Agent:** Penny Little, A & P Designs

**Proposal:** Proposed single storey front addition to existing garage

**Location:** 3 Frensham Close, Stanway, CO3 0HP

**Ward:** Stanway

**Officer:** Daniel Cooper

**Recommendation:** Approval with conditions

## **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 Dundas due to objections from a neighbour regarding concern over loss of light. There is also uncertainty if the plans fully comply with the 45 degree angle of outlook guidelines and questions over aesthetics.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the design of the proposal and its impact on neighbouring amenity.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site sits on the Western side of Frensham Close within the Stanway area of Colchester. The site contains a detached bungalow set back from the highway. An internal garage is currently existing at the property.

## **4.0 Description of the Proposal**

- 4.1 The proposal seeks planning permission to extend the internal garage outwards by 2.7m providing additional parking and storage area.

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 The property has previously been granted consent for a single storey rear extension and porch infill under application reference 132299.

## **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:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character

- 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

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

The Essex Design Guide  
Car Parking Standards

## **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. However, a summary of the material considerations is given below.

- 8.2 **Archaeological Officer** - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation

### **8.3 Environmental Protection**

Should planning permission be granted Environmental Protection wish to make the following comments:-

#### **NOTE: Demolition and Construction**

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.

#### **Contaminated Land Informative 1**

*(within 250m of known/suspected filled land, no other contamination concerns):*

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of filled land. Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures.

**Reason**

The site lies within 250m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

**9.0 Parish Council Response**

9.1 The Parish Council have stated that they do not object to the proposal.

**10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. 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.

10.2 A comment was received from a neighbouring property raising concern over loss of light and view of the street from their side window.

10.3 The same neighbour also raised concern over boundary issues and works access. Officer comment: These issues are covered by legislation beyond the remit of planning and are not considered material planning considerations.

**11.0 Parking Provision**

11.1 The proposal includes the construction of a new driveway in place of a front lawn that would retain adequate parking provision to the front of the property to comply with car parking standards.

**12.0 Open Space Provisions**

12.1 N/A

**13.0 Air Quality**

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

**14.0 Planning Obligations**

14.1 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.

## 15.0 Report

### Principle

- 15.1 The application site sits in a residential setting within the defined settlement and as a result the development proposed is acceptable in principle.

### Design

- 15.2 The proposal seeks to extend an internal garage outwards on to the driveway to provide a more usable internal parking space and storage. The dual pitched roof on the extension will be similar to the existing bungalow with the eaves of the extension measuring lower.
- 15.3 The extension proposed to the garage is of modest size and adopts a traditional architectural approach. While there are no other front extensions in Frensham Close the proposed will not protrude forward of the neighbouring property thus retaining the existing line of bungalows that are set back in a staggered formation.
- 15.4 The proposal is therefore acceptable in terms of design.

### Impact on Amenity

- 15.5 The proposed structure is single story and does not incorporate any windows. On this basis there are no concerns regarding neighbouring privacy.
- 15.6 The proposed structure would sit forward of the side window of a neighbouring property. In this instance, the neighbouring window in question is a ground floor side facing window (that currently faces the existing side wall of the application site). It is worth noting that loss of a view is not a material planning consideration.
- 15.7 The above mentioned side window on the neighbouring property constitutes the only concern regarding loss of light. This window serves a front living room within the neighbouring property that also benefits from light from the front of the property via an existing front window. Although it is acknowledged that the proposal will have an impact on the light enjoyed through this side window, on balance it is not considered this impact would be so detrimental as to warrant refusal of this application.
- 15.8 Guidance in Supplementary Planning document 'The Essex Design Guide' states that a 45 degree combined plan or elevation angle from the mid-point of windows should be preserved. This proposal complies with this test in elevation form. In situations such as this it is considered that the loss of light will not be so significant as to justify refusal of the application.
- 15.9 In summary, it is not considered that there would be material harm upon outlook or loss of light to the neighbouring properties and any impact upon residential amenity would be negligible.

### Parking

- 15.10 The current internal garage is not considered to be a parking space as it is under the minimum required dimensions (measured internally) of 7m X 3m under the car parking standards. Therefore, the only policy compliant parking provision is the existing driveway to the frontage which provides one parking space.
- 15.11 The proposed development would not result in the garage becoming policy compliant in terms of the car parking standards and the extension on to the driveway would remove the only existing compliant provision on the driveway. In light of this, the proposal therefore includes a new driveway in place of the front lawn. As such, the proposal retains the existing parking provision. The car parking space can be conditioned in order to ensure it is provided before the first use of the proposed development.
- 15.12 The proposal therefore retains the current parking provision without loss.

#### Accessibility

- 15.13 As the proposal is for a front extension to an existing garage without any changes to current access arrangements there are no concerns with Policy DP17 Accessibility and Access.

### **16.0 Conclusion**

- 16.1 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, such impacts would be within acceptable bounds.

### **17.0 Recommendation to the Committee**

- 17.1 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 5448/04 REV B received 28<sup>th</sup> February 2019 and 5448/03 REV A received 5<sup>th</sup> April 2019.

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. Non Standard Condition – Parking**

Prior to the first use of the development hereby approved, the vehicle parking area indicated on the approved plan 5448/03 REV A dated 5th April 2019, shall have been hard surfaced, sealed and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

### **18.0 Informatives**

18.1 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. Contaminated Land Informative 1**

*(within 250m of known/suspected filled land, no other contamination concerns):*

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of filled land. Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures.

#### **Reason**

The site lies within 250m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.