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Item No: 7.1

Application: 201753

Applicant: Mr Sachin Sadani

Agent: Mr Ben Willis, Vision Design & Planning Consultants

Proposal: Erection of two-storey front and rear extension, increased width of existing side box dormer, and porch

Location: 7 Lexden Grove, Colchester, CO3 4BP

Ward: Prettygate

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is returned to Committee with amended plans following its deferral from the January Planning Committee to allow design revisions to be secured concerning the rear first floor extension. The scheme was originally referred to the Planning Committee because it has been called-in by Councillor Lissimore for the following reasons: “Too big in scale. Too bulky. Visual appearance. Protection of residential amenities including loss of light, outlook and privacy.”

2.0 Synopsis

- 2.1 The revised proposal has handed the rear first floor extension so it is on the opposite side to that originally proposed. This reflects the opinions expressed by members in their deliberations. The application seeks extensions to a chalet style, detached house. Key issues for consideration are the design, scale and form of the proposal as well as any impact upon neighbouring amenity in terms of outlook, light and privacy. Impact upon parking provision and vegetation also needs to be considered.
- 2.2 The application is subsequently recommended for approval. The revised scheme, which has handed the rear extension, combined with the original omission of a significant element of the originally proposed front extension, is now considered acceptable in terms of its design, scale and form. The character of the existing dwelling and street scene would not be undermined in the opinion of officers. It is considered the extensions would not result in any significant impact on the amenities of neighbours in terms of any overbearing impact, loss of light or overlooking potential. The original comments received from neighbours have been carefully considered in this respect and any further comments received from neighbours on the latest revision will be reported as there has been a re-consultation on the amended scheme. Overall, the relevant standard policy criteria have been met, subject to the use of conditions. Adequate car parking on site would be retained and there would not be any significant impact upon vegetation.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits and comprises a relatively modern, existing 1 ½ storey detached dwelling with a parking forecourt area. It lies towards the end of a Cul-de-Sac and has detached properties set to either side. There is also a tree in the neighbouring front garden to the South that is the subject of a Tree Preservation Order (TPO).

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of two-storey front and rear extension and a porch addition. The proposal has been amended twice. Initially to reduce the originally proposed front extension which had been shown to project forward around 5.4 metres and was carried on two ‘stilts’. The stilts were removed and the front projection reduced by approximately 2.5 metres in depth. These revisions were presented at the January Planning Committee meeting.

- 4.2 A further revision has been secured in the light of the Committee's deliberations involving the handing of the proposed rear first floor extension so that it would now be sited on the Southern side of the property rather than on the Northern side as previously proposed.

5.0 Land Use Allocation

- 5.1 Settlement limits.

6.0 Relevant Planning History

- 6.1 101334
Removal of conservatory and construction of breakfast area extension.
Approve Conditional - 23/08/2010

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

Not applicable.

- 7.5 The Neighbourhood Plan: Not applicable

- 7.6 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 on part 2 of the plan. The examination process is now completed on part one and the Inspectors report having been received finding the modified part one of the plan sound.

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 is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.7 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
Managing Archaeology in Development.

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 **Councillor Lissimore** raises the following concerns (on the original submission):
“Too big in scale. Too bulky. Visual appearance. Protection of residential amenities including loss of light, outlook and privacy.”

- 8.3 **Tree officer** has raised no objections.

- 8.4 **Archaeologist states:** “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.”

9.0 Parish Council Response

9.1 Unparished

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 **10 letters of objection** (some from same neighbours and multiple) have been received which make the following points with regard to the **original submission** (include comments on front extension now omitted and original rear extension) Representations received following reconsultation on the revised scheme will be reported to the committee via the Amendments Sheet:

- Affects mainly 5 Lexden Grove, 6 Colvin Close and 9 Lexden Grove -but the front extension impacts also on the whole look of the road, extending past the building line of the houses by about 4.8metres.
- Rear two-storied extension on the south border of 5 Lexden Grove will significantly impact on the amenity of my garden, and patio area, and deprive my house and garden of winter light.
- Two-storey rear extension will overlook the back garden of 6 Colvin Close, being 4.14 metres closer to their garden. Will also overlook the garden of 5 Lexden Grove.
- Light in 5 Lexden Grove is already compromised by large oak tree which cuts out the morning sun for a couple of hours, and two-storey extension will make kitchen (on south side of house) even darker.
- Front extension will block evening light to front garden and house of 9 Lexden Grove.
- 7 Lexden Grove was originally a modest, 3 bedroomed house when we bought no.5 in 1997. Previous occupants of 7 Lexden Grove extended it considerably, adding a two-storied extension with very large lounge on ground floor and a master suite above to south side of the house and single storied ‘breakfast room’ on the north side (my south border).
- Proposed extensions are an overdevelopment of the site, and would result in a severe and unreasonable loss of amenity and light to my house and garden.
- Any further extension will make this property totally beyond keeping with other properties in the area.
- Front extension would obstruct the natural light/setting sunset from neighbours.
- Could require the need for additional vehicles to be parked on front driveway which occasionally could force vehicles to be parked on the

public roadway, which is a designated turning circle at the top of Lexden Grove. Already non-residents parking in cul-de-sac.

- Believe applicants in the dental profession and at some future date could be application to use enlarged property as dentistry.
- Rearward extension extends the two storey building line of the house highly intrusively some 12 feet into the site's rear garden (about one third of its depth), and within about 20 feet of our western boundary. This means that the upper floor of this extension (the master bedroom we understand) would directly intrude and overlook our back garden and garden terrace area, with consequent significant loss of privacy and amenity.
- Two storey rear extension would be ugly.
- Will obstruct views.
- Amendment hasn't changed rear extension so same objections remain to this.

11.0 Parking Provision

11.1 Room for at least two cars at front of site.

12.0 Accessibility

12.1 The proposal has the ability to comply with the provisions of the Equalities Act in respect of access.

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 As the proposal is for extensions to a dwelling within the settlement limits, the application should be judged on its planning merits. The most significant planning issues are the design of the proposed development, as well as its impact on neighbouring amenity in terms of outlook, light and privacy. Other factors such as retained parking provision and any impact upon vegetation also need to be considered.

Design, Scale and Form of the extensions

- 16.2 It is considered that the design, scale and form of the proposed extensions is acceptable. As outlined previously, the front extension has been reduced in length and the originally proposed 'stilts' have been omitted. The revised front extension now sits quietly on the front of the property and is considered to be in keeping with the character of the existing dwelling and street scene. The roof height of this extension remains lower than the highest part of the existing roof and so is appropriately subordinate.
- 16.3 The revised first floor rear extension would not be prominent in the street scene and respects the scale and form of the existing dwelling. Its roof height matches that of the existing dwelling and accordingly it is not considered visually dominating. Overall, the character of the existing dwelling would be retained having regard to all of the proposed alterations and the proposals would not be unduly visually dominant or detrimental to the character of the surrounding area.
- 16.4 It is therefore considered the proposal complies with Local Plan Policy DP1 which provides that all development must be designed to a high standard and respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale and form.

Impact upon neighbouring residential amenity

- 16.5 A key consideration is the potential impact upon neighbouring residential amenity. Policy DP1 is clear that development must avoid unacceptable impacts upon amenity and must protect existing residential amenity, including with regard to privacy and overlooking.
- 16.6 It is considered that the development would not appear overbearing on the outlook of neighbours. The front extension was reduced and is far enough away from the neighbouring property to avoid causing an overbearing affect or material loss of light. Similarly, the revised rear 1st floor extension, whilst introducing an additional storey, represents a modest increase in the flank wall length (4.4 m). It would not project beyond the rear wall of the neighbouring dwelling which is set slightly off the boundary. Accordingly, it is considered that the revised positioning of this rear extension would not have an overbearing impact upon the nearest property to the South. The Council policy sets out that a 45-degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and the proposal satisfies this requirement. Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached, and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.

- 16.7 Subject to the use of obscure glazing in a side dormer serving the master bedroom, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that potentially harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD. The first floor window in the rear of the rear extension clearly is nearer to the rear boundary than the existing windows and remains larger. Nevertheless, it is considered to be far enough from the rear boundary and there is sufficient rear boundary vegetation to ensure there would not be any significant additional overlooking of the neighbouring properties to the rear, including rear gardens. It is not considered an objection can be raised in relation to overlooking of the properties adjacent as the window looks predominantly rearward over the applicant's garden which is a standard arrangement.

Other issues

- 16.8 It is concluded that adequate parking provision would be retained on site. There is room for at least two cars to park at the front of the site where there is existing hard surfacing. This accords with Policy DP19 which refers to the Essex County Council adopted car parking standards and requires two car parking spaces.
- 16.9 The comments received about use of the Cul-de-sac by non-residents and the potential increase of parking pressure in the vicinity is not considered a reason to refuse the application given that the proposal complies with the car parking standards. The County Council as highway authority, could control on street parking with the use of double yellow lines, if considered appropriate. It is considered prudent to condition a construction management plan.
- 16.10 The proposed works are sufficiently distanced from significant vegetation, including the TPO tree at the front in the neighbouring property and the Oak tree to the rear to avoid any damage occurring. A condition can be applied to secure the erection of protective fencing at the rear of the site to ensure no materials are stored under the canopy of the oak tree.
- 16.11 There are no archaeological implications (policy DP14).
- 16.12 Adequate private amenity space would be retained on site, in excess of the 100sqm required under Policy DP16.

Environmental and Carbon Implications

- 16.13 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. It is considered that on balance the application can contribute to achieving sustainable development.

17.0 Conclusion

- 17.1 To summarise, the revised scheme, which omitted a significant element of the originally proposed front extension and has handed the first floor rear extension is considered acceptable in terms of its design scale and form. The character of the street scene would not be adversely affected. It is not considered the extensions would result in any significant overbearing impact, loss of light or overlooking in respect of neighbouring properties. Comments received from neighbours have been carefully considered in this respect and any further comments received in respect of the re-consultation will be reported. The relevant standard criteria have been met, subject to a condition. Adequate car parking on site would be retained and there would not be any significant impact upon vegetation.

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: 20-040-PL01A rec'd 26.8.20, 20-040-PL02D and 20-040-PL03D rec'd 2.3.21.

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

3. ZBA- Matching Materials

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. ZPA- Construction Method Statement

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

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

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.

5. ZFQ- Tree Protection

No works shall take place until the Oak tree near the rear of the site boundary has been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

6. ZDG -Obscure Glazing

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the dormer window on the South elevation shall be glazed in obscure glass to a minimum of level 4 obscurity and be non-opening up to 1.7 m above floor level (on both points) before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

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.

3. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.