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Item No: 7.2

Application: 182568

Applicant: Mr Gordon Taylor & Mrs Angela Cole

Agent: Mrs Urjana Shrestha, The Building Plans Shop

Proposal: Erection of single storey side & rear extension.

Location: 182 Old Heath Road, Colchester, CO2 8AQ

Ward: Old Heath & The Hythe

Officer: Eleanor Moss

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Lilley called it in for the following reasons:

I believe that the proposed extension will affect the next doors light quality and quality of life. It is too high and will be of an imposing nature on the family. If the extension was to match the height of the neighbours existing one then that I believe would be acceptable. To build directly up to the fence also is overbearing and should be at least a metre away. I cannot see why the upstairs window should be made bigger as that should remain the same. When the owner states that she wants to turn it into a multi person rental home that becomes a worry as then it would be classed as a HMO. Could I request a planning visit to the site please if its recommended for approval. All 3 Ward Councillors are against this on the grounds of safety concerning the foundations considering the problem that occurred in the past and we have concerns also after hearing of the medical condition of the children.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon character and appearance of the area and impact upon neighbouring amenity. It is considered the proposal does not create a harmful impact upon the character of the area nor does it breach the loss of light tests within the Essex Design Guide.
- 2.2 The proposal also benefits from a realistic 'fallback position' under Permitted Development. The proposal is considered to be acceptable and therefore your Officer recommends approval.

3.0 Site Description and Context

- 3.1 The application site relates to a semi-detached two-storey dwelling on the eastern side of Old Heath Road. The properties along this side of the road have north-easterly facing gardens. A number of properties within the area have extended within the rear gardens. To the south-east of the site are a group of Protected Trees (02/05).

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for a single storey rear extension and a single storey side extension.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

6.1 Residential

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

7.4 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
Shopfront Design Guide

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.

Arboricultural Officer – no objections
Tree Officer – no objections

9.0 Parish Council Response

9.1 Non-Parished

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:

- Loss of light
- Loss of access
- Damage to property
- Damp
- Impact upon foundations
- Privacy
- Health and safety impact
- Party wall concerns

Officer response: The concerns from the neighbours are acknowledged however a number of concerns raised are not considered to be material planning considerations and thus will not be discussed within the below report. Included below are non-material planning considerations which were raised in the responses:

- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working – These are covered a number of Acts including Environmental Protection Act 1990 and Control of Pollution Act 1974.
- Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- The Party Wall etc Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulations approval and is not a material planning consideration as it is an entirely civil matter. It is therefore advised that the neighbouring property seeks independent legal advice on this matter.

11.0 Parking Provision

11.1 No loss of car parking.

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

Design:

- 15.1 In this instance, the proposed extension will be lean-to roof in design and covering the rear garden area and side of the dwelling. The floor area covered by the proposed new extension is very minor and the design and proposed materials are in keeping with the age and character of the property.

Impact upon Surrounding Area:

- 15.2 The application site itself is large enough to accommodate the proposed development. Although the side extension is prominent within the public realm, it is considered that the proposal would have a marginal impact overall. The proposed single storey rear extension is to be located at the rear of the dwelling and therefore there are limited views from the public realm. The proposal is to be constructed upon existing hardstanding and therefore no green amenity space to be lost. The development is therefore visually acceptable and would not detract from the appearance of the original building. Consequently the design and layout do not harm the surrounding area either.

Impact upon Residential Amenity:

- 15.3 The proposed extension would be positioned directly to the north of No. 182a Old Heath Road. Given this, it is not considered the single storey proposal would result in any materially harmful loss of light or overlooking to No. 182a Old Heath Road. In terms of impact to No. 180a Old Heath Road, the proposal seeks to construct the single storey extension up to the common boundary. Due to the orientation of the property's rear gardens any potential impact on the occupiers of No. 180a Old Heath Road would be felt in the afternoons/evenings. Guidance in the Supplementary Planning document 'The Essex Design Guide' is that a 45-degree angle from the mid-point of windows is required in order to preserve outlook. This proposal complies with this test.

15.4 On balance, it is considered that any loss of light impact to the occupiers would be negligible and does not breach the adopted SPD guidance. The proposed roof form is considered to be shallow which will help mitigate against loss of light. Furthermore, an approximately 1.8 metre high fence exists along the shared boundary between the application property and No.180a Old Heath Road (to the side of where the extension is proposed). It is considered that the fence would further preclude any impact upon the occupiers of No.180a Old Heath Road. The proposal is not considered to create undue overlooking due to the fact the proposal is single storey in nature. In summary, it is not considered that there would be any loss of light to or harm to the outlook from neighbouring properties and any impact on residential amenity would be negligible.

15.5 An objection has been made to the height of the extension. The proposal is not considered to be excessively high at approximately 3.6 metres (maximum height) and, as such, is considered to be acceptable.

Permitted development 'fall-back'

15.6 Legislation allowing larger single-storey rear extensions to be built under permitted development rules came in to force on 30 May 2013, and was subsequently updated by new legislation which came into effect on 6 April 2016. Until 30 May 2019 a single storey extension can be larger than previously allowed under permitted development rights. In order to benefit from these larger permitted development rights, the proposal must not extend beyond the rear of the original house by more than 8 metres if a detached house, or by more than 6 metres in any other case. These larger extensions are not allowed for houses on article 2(3) land (a conservation area, AONB, Broads, National Park or World Heritage Site) or on a site of special scientific interest (SSSI). The height of the extension must not be more than 4 metres. In this instance, the rear element of the proposal complies with the permitted development fallback position as it complies with the size and height requirements and does not fall within 2(3) land or in a SSSI.

15.7 That said, the applicant would still need to apply (free of charge) under the "larger homes" procedure, with neighbours being consulted and any objection based on amenity would need to be considered by the Local Planning Authority. Issues of design, however, would not be considered.

Parking and Highway Safety

15.8 The proposal does not result in the loss of parking and therefore no concerns are raised in this regard.

Trees

15.9 There is a group of protected trees within the neighbouring garden of No. 182a Old Heath Road. Given the distance, the Tree Officer has not raised a concern with the proposal. The proposal is therefore considered to be acceptable in this regard.

16.0 Conclusion

- 16.1 To summarise, the design of the proposed extension is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the “Essex Design Guide” guidance document has been infringed and no unacceptable impacts have been identified. The proposed single storey rear extension would not appear out of character in the street-scene or as an overly-prominent addition. Your Officer therefore recommends approval.

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 36/PL04 Revision A and 36/PL05 Revision C.

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

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.