



Application No: 160969

Location: 78 Villa Road, Stanway, Colchester, CO3 0RN

Scale (approx): 1:1250

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7.4 Case Officer: Jane Seeley Due Date: 22/07/2016

HOUSEHOLDER

Site: **78 Villa Road, Stanway, Colchester, CO3 0RN**

Application No: **160969**

Date Received: 26 April 2016

Agent: Mark Perkins Partnership

Applicant: Mr L Crosby

Development: Proposed demolition of existing bungalow and replacement with new 3 bedroom dwelling.

Ward: Stanway

Summary of Recommendation: Conditional 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 the Ward Member Cllr. Lesley Scott-Boutell. The reason for the call in is:

“the proposed building creates the largest footprint, in length and width, of any other dwelling in this part of Villa Road and therefore is overbearing there would be a loss of privacy caused by the balcony proposed off bedroom 1 which would provide a panoramic view overlooking neighbours garden.”

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposed extension and its impact on the street scene and neighbouring amenities.
- 2.2 It is considered that these are acceptable and approval is recommended.

3.0 Site Description and Context

- 3.1 No. 78 Villa Road is a circa 1950's bungalow with a detached garage to the rear of the property. The frontage is open. There is fencing approximately 1m high along the side boundaries which runs along the side elevations of the adjacent housing. The rear garden has 1.8m high screen fencing.

4.0 Description of the Proposal

- 4.1 It is proposed to demolish the existing bungalow and erect a 2 storey 3 bedroomed dwelling. To the south side is a single storey element set back from the front elevation which will provide a pitch roof garage with a flat roof utility room/ cloak room to the rear. The single storey element is immediately adjacent to the common boundary with No. 80. The main 2 storey house is approximately 3m from the boundary with No. 80 and 1m from the boundary with No 76 (to the north) on the common boundary.
- 4.2 As originally submitted the house was set significantly further back in the site, to the rear of the adjacent housing. The sitting has been revised so that the front elevation is on the same line as the adjoin properties.
- 4.3 Further amendments have been suggested by the case officer. These were: a) to reduce the size of the property so that it is in line with the rear elevation of No. 80; or b) to reduce the width of the house so that it is 1m from the boundary with No. 80. The applicants have indicated that they do not wish to amend the scheme and therefore it has to be determined as submitted scheme (as repositioned).

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 145504 - Demolition of existing bungalow and erection of 4 dwellings - Withdrawn
- 6.2 146372 - Outline demolition of existing bungalow and erection of 3 dwellings – Refused

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings Proposals
DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Stanway Joint Design Statement and Parish Plan

8.0 Consultations

8.1 ECC Highways – does not wish to submit a recommendation.

8.2 Contaminated Land Officer - No comments.

8.3 Tree Officer – Recommends tree protection conditions

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 The Parish Council have stated that it has no objections to the proposal but is disappointed at the loss of another bungalow.

10.0 Representations

10.1 One letter from the occupant of No 80 Villa Road:

- Elevations proposed combined with two tall external chimneys and the overall enlarged physical footprint of the property seem totally out of character with the dwellings in this particular vicinity of Villa Road.
- Its bulk on the narrow plot of No.78, alongside our boundary fence, would cause overshadowing.
- The balcony proposed off Bedroom 1 provides a panoramic view overlooking into our garden.
- Possible pollution/fumes from fuel used in the dwelling.
- Disturbance and damage to the boundary and precinct of No.80 (including arbour and fish pond adjacent to the garage to be demolished and the planted borders alongside the fence as a consequence of the demolition of the existing garage and the erection of the new dwelling).

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 The proposed garage is not in accordance with the dimensions set out on the adopted Parking Standards; however there is sufficient space to the front/side of the proposed house to provided parking in line with the Parking Standards.

12.0 Open Space Provisions

- 12.1 Not applicable

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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout

- 15.1 There is no planning policy reasons to resist the replacement of the existing 1950's bungalow with a larger 2 storey dwelling. The proposed dwelling is larger than many of the properties in the vicinity but the depth of the footprint is similar to No. 76 and when viewed from the street the dwelling does not appear unduly large. The design of the dwelling introduces detailing and materials which are not particularly prevalent in the locality however street scene suggests that the dwelling will relate appropriately to the adjacent properties.

Impact on the Surrounding Area

- 15.2 Villa Road, in the vicinity of the application site is characterised by detached properties which are set a fairly uniformed distance from the highway. The properties are generally set close to on boundary with space on the other side for driveways. The application property respects this 'building line' but the dwelling spans most of the width of the site. However the single storey element is set approximately 6m back front the front and is low key which will ensure that the two storey element will be the domain feature. A sense of space between the main part of the replacement dwelling and the adjacent property No. 80 will be maintained.

Impacts on Neighbouring Properties

- 15.3 The potential impact on the amenity of the adjacent properties has been assessed using the principles set out Extending your house and the Essex Design Guide. It has been concluded that the relationship with No. 76 (the applicant's property) is in line with these criterion. There are a number of roof lights in the side elevation which face towards the windows on No. 76; there are all above eye level so there should be no overlooking issues. A condition to require they are at this level is suggested. There are also a number of windows in the side elevation of No 76 adjacent to the replacement property. The ground floor windows are already compromised by the existing bungalow and it is not considered that the impact of the new dwelling will be significantly different. The first floor window is to an en-suite so this does not raise any amenity concerns.
- 15.4 The proposed dwelling projects approximately 4 metres to the rear of the conservatory at the rear of No. 80. The single storey element runs alongside the side of this conservatory. The two storey part of the house is in line with the criteria in the above mentioned documents. There is a minor breach of The Essex Design Guide with regard to the single storey flat roof elements to the rear of the garage. The suggested amends would have assisted in this respect. On balance it is considered that this is not significant enough to justify a refusal of the scheme that is sustainable at appeal.
- 15.5 The suggested condition regarding the roof lights will ensure the two roof lights in the side elevation do not create any overlooking issues. There are two windows in the side elevation of No. 80. The owners have advised that they are to a landing and a cloakroom; as non-habitable rooms (as set out in Extending Your House) it is not considered that the impact will be unreasonable.
- 15.6 The large first floor balcony is within the roof space. This will give oblique views of the rear of the gardens of the adjacent housing but not the protect sitting out areas to the rear of the dwellings (as defined in the Essex Design Guide). It is suggested that the balcony screen is set in 1m from the rear elevation of the dwelling which will help reduce any overlooking of the adjacent properties whilst allowing for a sitting out area.

Trees

- 15.7 The applicant's agent has to provide details of the position of trees in/close to the boundaries of Nos. 76 and 80. This has been assessed by the Tree Officer who has not raised any concerns and recommends standard tree protection conditions.

Other Matters

- 15.8 Concerns about damage to the neighbour's fence and property are not planning matters. These are potentially Party Wall Legislation issues; an informative regarding this legislation is included.
- 15.9 The type of fuel used for heating is not a planning issue. The height of these chimneys will be informed by Building Regulation requirements.

16.0 Conclusion

- 16.1 This scheme is acceptable in design terms and on balance, would not cause such harm to the neighbour's amenity to recommend refusal. Therefore subject to satisfactory comments from the Tree Officer an approval is warranted.

17.0 Recommendation

- 17.1 That planning permission be granted subject to the following conditions:

18.0 Conditions

1 - 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 - *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 1106/01C and 02A.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

5 - *Removal of PD - No Extra Openings

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no roof lights, windows or other openings shall be inserted in the side elevations of the hereby approved house except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

6 - Non-Standard Condition/Reason

Prior to occupation of the dwelling, the balcony railing shall be installed and set in a minimum of 1m from the rear elevation of the hereby approved dwelling. It shall then be maintained and retained permanently. The area between the balcony railing and the rearmost part of the rear elevation shall not be used as a balcony or sitting out area at any time.

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

7 -Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted 2 parking spaces in line with the Council's adopted Parking Standards (i.e. two spaces of 2.9m by 5.5m dimension) shall be provided on the site. Any additional hardstanding to front of the dwelling shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The approved parking spaces required by this condition shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site in line with Council's adopted Parking Standards and to ensure that any new hardstanding does not create any surface water flood issues.

8 - Non-Standard Condition/Reason

The lower level of the glazing in the rooflights in the side elevations shall be a minimum of 1.8 metres above finished floor height of the room they serve.

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

9 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have 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.

10 - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

11 - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

19.0 Informatives

(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) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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. Please pay particular attention to these requirements.

(4) In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which you may obtain free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.

20.0 Positivity Statement

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.