

Item No. 15

APPLICATION NUMBER	CB/15/03779/FULL
LOCATION	Land rear of 30-32 Markyate Road, Slip End, Luton, LU1 4BX
PROPOSAL	Two new houses with garages
PARISH	Slip End
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Nicola Darcy
DATE REGISTERED	01 October 2015
EXPIRY DATE	26 November 2015
APPLICANT	Burgundy Developments Ltd
AGENT	A. P Whiteley Consultants Ltd
REASON FOR COMMITTEE TO DETERMINE	Called to Committee in the public interest at the discretion of the Development Infrastructure Group Manager
RECOMMENDED DECISION	Full Application - Recommended for refusal

Summary of Recommendation

The proposed dwellings would have an unacceptable relationship with the character and appearance of the area and would have an overbearing impact upon adjoining neighbouring occupiers. The proposal is therefore considered to be contrary with the National Planning Policy Framework, policies BE8, H2 and T10 of the South Bedfordshire Local Plan Review.

Site Location:

The application site is located to the rear of a line of houses situated on the northern side of Markyate Road in Slip End. The prevailing character of the immediate locality comprises modestly sized, two storey dwellings arranged in a linear development incorporating a small crescent, with long gardens that back onto a development to the rear of the site (Claydown Way) comprising detached, two storey dwellings with short rear gardens.

The Application:

Planning permission is sought for two detached, four bed dwellings with detached garages. Access is to be taken between numbers 30 and 32 Markyate Road.

Accommodation would be split over three floors, with the fourth bedroom proposed in the roofspace. Garden lengths would be 12.8m.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March

2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections of the NPPF are considered relevant to this application.

- Section 4 – Promoting Sustainable Transport
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 - Requiring Good Design
- Section 8 – Promoting healthy communities

South Bedfordshire Local Plan Review Policies

Policy BE8 Design Considerations
Policy H2 Making Provision for Housing via “Fall-in” sites
Policy T10 Controlling Parking in New Developments
(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H2 are still given significant weight. T10 is afforded less weight.)

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance

Central Bedfordshire Design Guide Revision, March 2014

Relevant Planning History:

Reference: CB/14/01145/PAPC
Proposal: Pre-application non householder charge: Erection of two new dwellings
Date: 09/05/14

Consultees:

Slip End Parish Council	The Parish Council objects to this application on the grounds of; <ol style="list-style-type: none">1. Inappropriate infill2. Exiting properties onto a zebra crossing3. Tandem Housing4. Fire Engine access5. Car parking density not to guidelines6. Room dimensions below CBC guidelines
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Other Representations:

Neighbours	1,1a, 3, 5, 7, 9, 11, 17 Claydown Way - Contrary to neighbourhood plan
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- Inadequate access for fire and rescue vehicles
- Conflict with pedestrian crossing
- Inadequate garage sizes
- Inadequate back to back distance for three storey dwellings
- Out of keeping with the character of the area
- Overbearing impact
- Higher roof ridges compared with Claydown Way
- Loss of privacy and light

Highways

No objection subject to several informative notes.

Tree and Landscape Officer

There were no significant concerns to be noted regarding this site, and any trees could either be easily avoided or mitigated against damage, but trees observed to be either close to, or in the site, were clear of the intended dwelling/garage positions and new driveway.

In this respect, any future application would need to have a final design based on a BS 5837 : 2012 Tree Survey, Tree Constraints Plan and Arboricultural Method Statement to allow the designer an informed choice to avoid any tree conflict.

In recognition of the above comments, although no tree survey has been made to support the application, the two units and associated car parking appear to be sufficient distance away from the mature tree in the garden of No. 34 Markyate Road, so as not to warrant concern. Therefore, on this basis, I have no objection to the application.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Impact Upon Residential Amenity
4. Highway Safety Considerations
5. Other Considerations

Considerations

1. Principle

- 1.1 Recent national advice within the National Planning Policy Framework (NPPF) states in Annex 2 that the definition of previously developed land excludes private residential gardens. There is therefore no longer a presumption in favour of re-developing residential gardens. It should be noted that this advice does not place a blanket ban on the re-development of residential gardens. Each case still has to be treated on its own merits having regard to the development plan and other material considerations. The NPPF further advises that the loss of residential gardens should be resisted where harm would be caused to the local

area. (paragraph 53). In this case, the application site was created from the subdivision of the garden space of the existing host dwellinghouses. The remaining garden for the original plot and that proposed for the new dwellinghouses would be adequate in terms of Design Guidance but would not reflect the size of the gardens to properties in the locality and thus would not be in-keeping with the established character of the area.

- 1.2 The site lies within the village envelope in a predominantly residential area. Policy H2 of the South Bedfordshire Local Plan Review (SBLPR) encourages the use of existing sites to provide additional accommodation providing that the proposal respects and enhances the character of the surrounding area and would provide good quality living conditions for future occupiers. The building line in the locality is very prominently defined therefore the siting of the dwellings is considered to be out of character with the uniformed building line and grain of development and as such would sit uncomfortably in the rear gardens of numbers 30 and 32 Markyate Road. The proposed size of the dwellings would also appear discordant in the surrounding area where the existing dwellings are significantly more modestly sized with generously sized gardens. There are no developments for dwellinghouses of a similar nature to the rear of any dwellinghouses in the vicinity. This harm would be emphasised by the plot coverage of the development which would appear restricted and hence resulting in a cramped form of development when compared with existing plots. It is considered therefore that the proposed development would have an overall harmful impact on the character and appearance of the locality.
- 1.3 A pre-application enquiry (CB/14/01145/PAPC) was made in respect of the proposed development and positive advice was released with regard to the principle of the development. However such advice is not binding and that advice was not supported by detailed elevations and was tempered by the need for any proposal for the design and scale of the dwellinghouses to complement to the prevailing character of the streetscene. In addition, since that advice was released two applications for similar 'backland' development within residential gardens have been refused in Caddington, the first being land rear of 20 Hawthorn Crescent, (CB/14/02350/FULL) refused on the 11/08/14 and dismissed at Appeal on 28/01/15, the second is land at 73 Dunstable Road, (CB/15/01230/FULL) refused on 2/09/15 currently awaiting an Appeal decision. These applications are considered to be a material consideration in the determination of this application, furthermore, the impact of such proposals can be subjective and further consideration of this proposal has resulted in a difference of officer opinion. Schemes such as these are subjective to the decision maker and in this case, including having regard to the objections of the Parish Council and local residents, the proposal submitted is not considered to be acceptable.
- 1.4 The potential benefits to be had from the development comprising the addition to the village's housing stock including the policy presumption in favour of using land effectively are acknowledged but are not considered sufficient to outweigh the identified harm. The principle of the development is therefore not acceptable and contrary the National Planning Policy Framework and to Policies BE8 and H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

2. Affect on the Character and Appearance of the Area

- 2.1 Local Plan Policy BE8 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.
- 2.2 Design Supplement 1 of the Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting.
- 2.3 The streetscene consists of identically sized dwellings and as such it is considered that the scale of the proposed houses would be incongruous with the character of the locality. Given the overall bulk and massing, the proposed development would appear intrusive when viewed from the adjoining gardens and would therefore detract from the character and appearance of the area. The proposal fails to conform with the principles of good design within the National Planning Policy Framework and Policies BE8 and H2 of the S.B.L.P.R and the Central Bedfordshire Design Guide.

3. Impact Upon Residential Amenity

- 3.1 The proposed dwellinghouses would be higher than those in close proximity to the site, however, there would be adequate separation between the backs of the proposed houses and those in Claydown Way (21.5m), it is therefore unlikely that the development would result in any loss of light or privacy to any main rooms in adjacent dwellinghouses. However, due to the close proximity of the proposed dwellinghouses to the adjoining boundaries shared by properties in Markyate Road (namely numbers 28 & 34), the development is considered to be overbearing when viewed from the gardens of these properties.
- 3.2 On this basis, it is considered that the proposal would result in an unacceptable overbearing impact upon neighbouring occupiers and as such is considered to be contrary to the National Planning Policy Framework and Policies BE8 and H8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

4. Highway Safety Considerations

- 4.1 The Highways Officer has stated that the applicant has taken on board all of the previous pre-application comments, apart from indicating the visibility but given the width of the footway and verge, adequate visibility is achievable without the need for additional splays. In addition, it is noted that the size of the garage does not meet design guide requirements, however as additional cycle storage is indicated there is no reason for objection.
- 4.2 On this basis, the Highways Officer has raised no objection to the granting of this permission subject to the imposition of several informative notes and therefore it is considered that the application would conform with policy T10 of the South Bedfordshire Local Plan Review and the parking standards of the Central Bedfordshire Design Guide as amended March 2014.

5. Other Issues

5.1 Financial Contributions

The Council's adopted Planning Obligations Strategy seeks the use of pooled contributions towards necessary infrastructure projects. However, the Ministerial Statement of 28th November 2014 stated that projects of 10 dwellings or under should not be required to deliver affordable housing or tariff style contributions. This is a material consideration in the determination of this application which should be given significant weight. Given the size of the development, it is not considered that the proposal would place a quantifiable material impact on existing infrastructure and therefore, in this case it is considered that the proposal would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development..

5.2 Human Rights issues

The proposal raises no Human Rights issues.

5.3 Equality Act 2010

The proposal raises no issues under the Equality Act.

Recommendation

That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The proposed development would because of its siting to the rear of the strong building line appear incongruous and cramped, out of character with the existing uniform grain of development and with adjoining dwellings in the locality. The overall scale and bulk of the proposed dwellinghouses are out if keeping with the existing character of the dwellings and thereby would be harmful to the visual amenities of the street scene and of nearby residents. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, Policies BE8 & H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.
- 2 The proposed development would, because of its size and close proximity with the boundaries of numbers 28 and 34 Markyate Road, appear unduly overbearing and result in an unacceptable impact upon adjoining properties. The proposal is therefore contrary to the principles of good design principles within the National Planning Policy Framework and to Policies BE8 and H8 of the South Bedfordshire Local Plan Review.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This positive advice has been revisited and due to the outcome of applications since that advice was given, the development is now not considered to be acceptable. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION
