

Item No. 10

APPLICATION NUMBER	CB/16/05597/FULL
LOCATION	Whitestyles, 3 High Street, Gravenhurst, Bedford, MK45 4HY
PROPOSAL	Construction of a two storey detached dwelling with integral garage. (change to siting under approval CB/15/00970)
PARISH	Gravenhurst
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Ms Graham
CASE OFFICER	Julia Ward
DATE REGISTERED	05 December 2016
EXPIRY DATE	30 January 2017
APPLICANT	Mr A Burton
AGENT	Peter J Farmer RIBA
REASON FOR COMMITTEE TO DETERMINE	Call-in by Councillor Graham (Silsoe and Shillington) on the following grounds: <ul style="list-style-type: none">* Overbearing impact;* Impact on landscape
RECOMMENDED DECISION	Recommendation - Approval

Reason for Recommendation:

The principle of a new dwellinghouse on the application site is considered acceptable. The re-siting of the development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore subject to conditions, the proposed development is in conformity with Policy DM3 of the Core Strategy and Development Management Policies (2009) and The National Planning Policy Framework (2012).

Site Location:

The application site is located to the south-west of No.3 High Street, known as Whitestyles which is an existing two storey detached dwelling on a large rectangular plot. The dwelling is accessed from a spur off of the High Street to the south which serves neighbouring Nos. 3a, 3 and 5. To the south west is the village hall and associated car parking and to the northwest is the village recreation/sports playing fields.

The site is located within the Settlement Envelope of the village. It is not located within a designated conservation area.

The Application:

The application site has planning permission for the erection of a dwellinghouse with associated parking (ref: CB/15/00970/FULL, approved 20/05/15). Construction of the approved dwelling has started on-site and is currently up to roof level. However, the dwelling has been constructed in the wrong position being set 2 metres further forward towards High Street than the approved drawings. This application is seeking planning permission for this amended position.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

7: Requiring good design

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS14 High Quality Development

DM3 High Quality Development

DM4 Development Within & Beyond Settlement Envelopes

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/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/15/00970/FULL
Description	Detached house with integral garage
Decision	Granted
Decision Date	20/05/15
Application Number	CB/14/04915/RM
Description	Reserved matters following outline application ref: CB/12/03648
Decision	Granted
Decision Date	27/02/15
Application Number	CB/12/03648/OUT
Description	Outline application: Detached dwelling (all matters reserved except for means of access)
Decision	Granted
Decision Date	06/12/12

Application Number	MB/95/00319/OA
Description	Outline: Erection of one, two storey house (all matters reserved except for means of access)
Decision	Granted
Decision Date	13/06/95

Consultees:

Parish/Town Council Gravenhurst Parish Council - Objects to the application for the following reasons:

1. The submitted design and access statement submitted for this application appears to be out of date as it refers to a single storey to be demolished which has already been implemented. There is also a significant slope on the site requiring the front corner of the new dwelling to be raised 1 metre to maintain a level floor, despite the statement referring to the site being predominantly level;
2. The planning history section of the Design and Access Statement has not been updated to include reference to the most recent approval on the site (CB/15/00970/FULL);
3. The standard of the drawn 1:500 section of all plans derived from the original location plan is very poor. The 1:1250 section is an OS extract and it appears that the front line of the front wall of no. 3 was originally drawn rotated approximately 4 degrees clockwise relative to the Northing in the 1:500 extract;
4. The "as shown" position of the newly erected property is shown rotated approximately 4 degrees anti-clockwise relative to the Northing on earlier versions of the plan and site boundary;
5. The Design and Access Statement acknowledges that the new building has been erected 2 metres south-east of the approved line. It does not state the datum used for establishing this;
6. The Design and Access Statement states that the Village Hall was "...originally plotted in line with the OS extract. However, from dimensions taken on site this would also appear to be too far to the south-east". It is noted that the dimensions refer to on-site measurements. The rotated position of no. 3 on the plan as compared to the Northing datum might explain the apparent misplacement of the Village Hall if the position of no. 3 on the site (the only pre-existing point on site) has been

taken as the datum;

7. The applicant states that he believes the submitted revised plan (ref: 1768/1A) to be correct;

8. The rotational errors in the position of no. 3 on the 1:500 plan relative to the Northing and OS extract appear to remain on the submitted revised plan ref: 1768/1A;

9. The applicant feels that this change does not have any impact on the surroundings, neighbouring properties, privacy or overlooking. However, the applicant is non-resident and whilst he does apparently own the adjacent no.3, this has remained unoccupied for at least 10 years and still remains unoccupied whilst alterations are being made;

10. The applicant has allowed building works to continue, including the installation of roof trusses, following the Planning Enforcement team alerting him to the fact that the position of the new dwelling is inaccurate;

11. The applicant elected not to attend the Parish Council meeting;

12. Several members of the village community have raised concerns with the Parish Council about the siting of the newly built property and the impact it is already making on the village surroundings even in its current unfinished state;

13. The errors in the drawn plans and siting of the building were within the control and responsibility of the applicant, there are no grounds to approve the application on the basis of potential financial loss, there are no grounds to approve the revised siting on the basis of need, the accuracy of the previously approved plans is not accepted, and the demolition and re-building of the property to correct the error in siting cannot be achieved due to the inaccuracy in the plan drawings;

14. The as-built frontage of the dwelling is already presenting a more overbearing impact on the surroundings and adjoining properties than would have been the case if it had been erected in the correct location relative to the Village Hall;

15. The positioning of the property further forward and rotated slightly anti-clockwise from the approved position relative to the existing number 3 results in the windows of bedroom 5, above the garage, facing directly towards the frontage of number 3. This is considered to be an

unacceptable intrusion of the privacy of that property. Conversely the proposed window will be overlooked by no. 3;

16. The new building is very close to the village hall. The activities associated with the hall generate noise. The rotation of the "as-built" now places the first floor window of the bedroom en-suite directly in line with the window of the village hall rather than behind and at an angle to it. This change in position increases the possibility of noise nuisance for future occupants and would be prejudicial to the use of the village hall;

17. The forward position of the building aggravated by the apparent rotation has a significant impact on the daylight falling on the frontage of no. 3;

18. The proximity of the frontage to the front boundary fence coupled with the elevated position already presents an imposing and overbearing facade;

19. The recent improvement works to the village hall established the village hall as the dominant property along this part of the High Street, reinforcing the importance of the village hall as the principle community building in the village. The two storey frontage of the application property is almost in line with it and already detracts from the dominance of the village hall. The application site is not in keeping with the surrounding area. Placing the building so far forward on the building plot and elevated relative to the existing ground level at the front has already had a significant and detrimental impact on the streetscene at this corner of the High Street. There was previously an open vista to the frontage of no. 3 which should have remained relatively open. All nearby dwellings between 7 High Street and the junction of the High Street with Clophill and Barton roads are set back from the front boundary;

20. Notwithstanding the above comments, the Parish Council wishes to move towards an acceptable solution with two options put forward - first, the front wall of the garage section of the property should be demolished and moved a similar distance to the north-west reducing it to a single garage. This would place the front wall of the garage where it should have been and the bulk of the property would remain as-built, provided the overlooking issues of the bedroom window are addressed. The second option is to retain the double garage but reducing the size to a single storey with a hipped roof. This would result in a less imposing frontage onto the High Street and would remove the overlooking issues associated with

the bedrooms and restore the light to no. 3 and reduce the effects of noise nuisance from the village hall.

Archaeology Officer	The proposed development site lies adjacent to the historic core of the settlement of Upper Gravenhurst (HER 17104) and under the terms of the National Planning Policy Framework (NPPF) this is a heritage asset with archaeological interest. However, the archaeological potential of this area is at present considered to be low. Given the planning history of the site, its location and the nature of the proposals, I have no objection to this application on archaeological grounds.
Internal Drainage Board	No comments to make on application
Pollution Officer	It is considered that the minimal relocation will not have a material change on the impact of the village hall on the proposed development
Highways Officer	This application for re-siting of an approved dwelling is acceptable in a highway context.

Other Representations:

Neighbours	<p>One letter of objection has been received from the occupier of <u>36 High Street</u> raising the following concerns:</p> <p>This property has not been constructed in accordance with the original approved plans. It is approximately 4 metres forward of the original plans. If this application is approved, it will set a precedent for any future developments in the local area. The first precedent was set with the redevelopment of the Green Dragon in the High Street. The owner of this property owns several of the existing dwellings along the High Street but does not reside in any of the properties in the village and therefore has no interest in the area apart for profit. They have continued to develop the property despite receiving an enforcement notice. If the application is granted, it will make a mockery of the planning system as there are a vast number of villagers opposed to the current siting of the development.</p>
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Determining Issues:

The main considerations of the application are;

1. Principle of the development
2. Impact of the proposal on the Character and Appearance of the Area

3. Impact of the proposal on the residential amenities of adjoining occupiers
4. Other considerations

Considerations

1. Principle of the development

- 1.1 NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. In the local context, the site falls within the Gravenhurst Settlement Envelope. Gravenhurst is defined as a Small Village by Policy CS1 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009. Policy DM4 states that small scale housing will be permitted within settlement envelopes of large and small villages. The preamble for DM4 goes further to state that the scale of any type of new development should reflect the scale of the settlement in which it is located.
- 1.2 The proposal is for a two storey detached dwelling located to the south west of No. 3 High Street, named Whitestyles. The proposal is considered to be a small scale housing development and as such in accordance with Policy DM4.
- 1.3 The application site benefits from an extant planning permission for a single dwelling approved under planning application reference CB/15/00970/FULL, approved 20/05/15. This accepted the principle of sub-dividing the garden land within the curtilage of no. 3 High Street and providing a new dwelling and is considered material in the determination of this application.
- 1.4 The erection of a dwelling house on the plot is therefore generally supported in principle by both national and local policies. However the proposed dwelling must complement the surrounding pattern of development, particularly in terms of scale, massing and plot coverage, and the design of the proposed building and its relationship with neighbouring buildings. These matters are addressed within the following sections of the main body of the report below.

2. Impact of the proposal on the character and appearance of the area

- 2.1 The application site, owing to its position at the top of the hill known as High Street, is highly prominent both within the streetscene and from the existing public footpath between the village hall and the application site. It is noted that condition 5 attached to planning permission ref: CB/15/00970/FULL related to the levels of the new house has been discharged. Whilst the setting forward of the building line together with the approved levels of the dwelling result in the building appearing more prominent in this part of the streetscene, it is considered that the proposal would not result in such a detrimental impact on the character and appearance of this part of the streetscene to warrant refusal of the application.
- 2.2 The design of the dwelling remains unchanged to that approved under CB/15/00970/FULL. Whilst it is acknowledged that the proposed development is at a greater height than the adjacent village hall, it is considered that this

relationship is not so detrimental to the character and appearance of the streetscene to warrant refusal of the application.

3. Impact of the proposal on the residential amenities of adjoining occupiers

- 3.1 The existing property at no. 3 High Street, known as Whitestyles, has planning permission for various extensions including a part two storey and part first floor rear extension and new front bay windows and garage (approved 02/04/15). It is noted that there is a current planning application under consideration for the construction of a two storey rear extension, a single storey front extension including 2 no. bay windows and a roof extension raising the height of the roof by 0.7 metres (ref: CB/16/05040/FULL). That application is also before the Committee on this agenda.
- 3.2 The proposed new dwelling has a habitable room dormer window facing the existing dwelling at no.3. It is considered that owing to the siting and positioning of the new dwelling in relation to the existing dwellinghouse, this dormer window, and the dwelling as a whole, would not result in such a greater impact to the occupiers of this property in terms of overbearing impact, overlooking and loss of privacy than the position of the house previously approved under CB/15/00970/FULL.
- 3.3 It is therefore considered that the proposal would not result in any significant harm to the amenity and living conditions for occupiers of no. 3 High Street, in accordance with policy DM3 of the Core Strategy (2009), Section 7 of the NPPF and the Central Bedfordshire Design Guide (2014).

4. Other Considerations

4.1 Highways issues

The proposal does not result in any amendments to the access or parking arrangements approved under CB/15/00970/FULL. The proposal is therefore considered acceptable in a highways context and would not result in a detrimental impact on highways or pedestrian safety in the area.

4.2 Concerns raised by objectors

1. Inaccuracy of plans - The applicant has stated in the design and access statement that the submitted plan ref: 1768/1A is accurately drawn. The applicant has been asked to clarify the accuracy of the submitted plans. In any event, it is considered that the impact of the development can clearly be assessed given that the new dwellinghouse is partially constructed on site;
2. The planning enforcement team have not issued a stop notice on the applicant to stop work immediately. However, the team have been made aware that the unauthorised construction work is on-going. Any unauthorised development would be carried out at the applicant's risk;
3. The address of the applicant and whether or not he attended the Parish Council meeting to discuss the proposal is not considered to be a material consideration;

4. Impact of the village hall on the new dwelling - It is considered that the re-siting will not have a material impact on activities at the village hall on the new dwellinghouse;

5. Options put forward by the Parish Council - Whilst it is acknowledged that the Parish Council have suggested two options for amendments to the proposal to reduce the impact of the dwellinghouse on the streetscene, the planning authority is required to assess the application on its own merits as submitted. For the reasons discussed above, it is considered that the setting forward of the dwelling by 2 metres closer towards High Street would not have such a detrimental impact on the character and appearance of this part of the streetscene, nor on the residential amenities of adjoining occupiers to warrant refusal of the application. It is therefore considered that amendments are not required in this instance to make the proposal acceptable.

4.3 Human Rights/ Equality issues

Based on the information submitted, there are no known issues raised in the context of Human Rights legislation/ The Equality Act 2010 and, as such, there would be no relevant implications.

Recommendation:

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby approved shall be finished in external materials as specified on approved drawing number 1768.3 unless agreed otherwise, in writing, with the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with appropriate materials in the interests of the visual amenities of the locality (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any amendments thereto, all garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience

of road users (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 3 In addition to the garage accommodation hereby approved, on site car parking provision for at least two additional cars to serve the dwelling hereby approved shall be constructed and surfaced in permeable block paving with arrangements made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. This provision shall be implemented in accordance with the Council's current car parking and access standards as set out in the Central Bedfordshire Design Guide (2014) unless agreed otherwise in writing with the local planning authority and made available for use before the development hereby permitted is first occupied. Thereafter this area shall be maintained and not be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 4 The planting and landscaping scheme shown on approved Drawing No. 1768.4 dated 20 October 2014 shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season shall mean the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping (Policies DM3 of the Core Strategy and Development Management Policies 2009)

- 5 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme prior to the first occupation of the dwelling hereby approved and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1768.1A; 1768.2; 1768.3A

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country

Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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