

Item No. 17**SCHEDULE B**

APPLICATION NUMBER	CB/09/01015/FULL
LOCATION	1 LINCOLN WAY, HARLINGTON, DUNSTABLE, LU5 6NB
PROPOSAL	FULL: ERECTION OF A NEW DWELLING IN THE SIDE GARDEN AND SINGLE STOREY REAR EXTENSION TO EXISTING PROPERTY.
PARISH	Harlington
WARD	Woburn & Harlington
WARD COUNCILLORS	Cllr F Chapman & Cllr B Wells
CASE OFFICER	Mary Collins
DATE REGISTERED	26 May 2009
EXPIRY DATE	21 July 2009
APPLICANT	Mr T Culverhouse
AGENT	Paul Lambert Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	The Parish Council requested Cllr Chapman to call to committee if minded to approve as they believe that the new house would be very cramped, over- development of the site with dangerous access close to the corner.
RECOMMENDED DECISION	FULL CONDITIONAL APPROVAL

Site Location:

The application site is at 1 Lincoln Way, Harlington. 1 Lincoln Way is a semi-detached property with a flat roofed porch to the front and flat roofed extensions to the side and rear.

The application site has a side garden situated to the west of the property and to the east of a bungalow in Church Road. Lincoln Way is characterised by residential properties of the same age and similar styles and sizes.

The Application:

Planning permission is sought for the erection of a new dwelling in the side garden and single storey rear extension to existing property.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS 1	Delivering Sustainable Development
PPS 3	Housing

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005 Policies

LPS2 - Large Villages

LPS4 - Settlement Envelopes

DPS5 - Protection of Amenity

DPS9 - Open Space for New Dwellings

H06 - Location of new Residential Development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire Adopted 2004.

Planning Obligations Strategy 2008

Planning History

None

Representations: (Parish & Neighbours)

Harlington PC

Object.

- Due to the variations in levels in the vicinity overbearing impact on neighbouring properties
- Potential loss of privacy to neighbours if mature conifers are removed
- Removal of deliberate visual transition between Church Road into the "Model Village" would have an adverse affect on the street scene.
- Overdevelopment of the site, cramming effect on immediate environment and eroding of character.
- Rear gardens too small
- Proposal would destroy street scene
- Own verge and object to removal of part of verge to enlarge and create new driveway
- Highway safety
- The site is on the edge of a spring line, blockages may cause flooding

Adj. Occupiers

Three letters of objection received:

The Occupier of No. 41 Church Road objects to the proposal on the following grounds:

- Parking area in close proximity to eastern wall of dwelling creating substantial noise, disturbance and reduced amenity
- Car parking block vision and light from within dwelling and from without will obscure view of over a third of their property

- Design out of character, too tall and large. Bedroom 4 roof light overlooks garden, patio and lounge privacy and should be obscured.
- Overdevelopment of plot

The Occupier of No. 39 Church Road objects to the proposal on the following grounds:

- Privacy is not guaranteed by the mature conifer trees which may die due to excavation near their roots or because they are too close to the dwelling
- "Cramming effect" on the immediate environment, eroding its character
- Infilling of this gap of unstable made up ground is not only inappropriate to the street scene and potentially hazardous
- Rear gardens too small
- Overdevelopment of site

The Occupier of No. 1 Astrey Close objects to the proposal on the following grounds:

- Out of keeping with surrounding properties
- Site too small, and any house built would appear to be "shoe-horned" in.

Consultations/Publicity responses

IDB	No comment
Ramblers	No comment
Harlington Society	No response received
Highways	The proposal is for a four bedroom dwelling and a minimum of three parking spaces are required and only two are indicated. There is ample space for an additional parking space at the frontage of the proposed dwelling. Recommend conditions and notes to applicant are attached.
Application advertised 12/06/09	No response received
Site Notice Posted 16/06/09	No response received

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact upon character and appearance of surrounding area
3. Impact on neighbouring amenities
4. Highway and parking issues
5. Other issues

Considerations

1. Principle of Development

Harlington is classified as a large village under Policy LPS2 of the Mid Bedfordshire Local Plan First Review 2005. The principle of development is acceptable in this location.

2. Impact upon character and appearance of surrounding area

The application site is situated in Lincoln Way at its junction with Church Road. It is proposed to construct a dwelling between 1 Lincoln Way and 41 Church Road, Harlington.

The application site represents a transition between Church Road and what is locally known as the Model Village to the east. The application site is on higher ground to Church Road and is thought to be made up ground. As a result the application site when viewed from the rear gardens of adjoining properties is seen as a promontory of land higher than the adjoining land to the rear and to the west in Church Road.

The new dwelling is to be constructed to the west of 1 Lincoln Way, a distance of approximately two metres will be retained between the existing property and the new property and this will allow access to the rear of both properties as well as provide visual spacing between the two. A terracing effect will not occur as a result of the development.

The dwelling is set back from the bungalow at 41 Church Road and from Lincoln Way but is set marginally forward of the adjacent pair of semi-detached dwellings.

The dwelling is not considered to have a detrimental impact on the street scene. There is a graduation in height from the pair of semi-detached properties at 1 and 3 Lincoln Way to the new dwelling which is set down by approximately 0.45 metres from this property and this helps to form a graduation in the building heights from two storey to the single storey bungalow.

The proposed dwelling is 12.467 metres deep by approximately 6.4 metres wide and will present a gable that faces the street. The property will have a catslide roof to the side over a single storey section of the dwelling.

The gable design is not considered to be out of keeping with the character of the area. Although houses on this section of Lincoln Way are semi-detached pairs with pitched roofs, properties in Lincoln Way flanking either side of the entrance to Astrey Close present two storey front gable elevations to Lincoln Way and both the bungalow at 41 Church Road and its neighbour at 39 Church Road present gables to the street.

Although the application site is higher than land to the side and rear of it, the prominence of the dwelling is not considered to be detrimental to the wider surrounding area, the views of the dwelling being restricted to the rear gardens

of adjoining properties. Views of the side elevation of the dwelling from the street will be restricted and recessive and partially obscured by the line of 5 metre high conifer trees.

Parking areas will inevitably be at the front of the property. Due to the siting of the dwelling to the rear of the plot and the bungalow at 41 Church Road, the parking of cars to the front of the property are not considered to have a detrimental visual impact on the street scene.

Amenity space:

The proposed dwelling has a rear garden depth of 10.5 metres deep by 8.5 metres wide tapering down to 6.5 metres wide. The garden depth is considered acceptable. In addition there is ample amenity area to the front of the dwelling.

The existing property will be left after development with a garden depth of 10.5 metres and width of 8.5 metres. An existing garden shed is sited in the rear corner of the site. Although the siting of the shed will foreshorten the depth of the available rear garden, it is considered that this is acceptable given that single storey outbuildings are permitted development as long as they do not exceed more than 50% of the curtilage. This property also will have amenity space to the front.

Extension to existing dwelling:

A single storey extension to the rear of the existing dwelling is also proposed. The extension will project by 3.9 metres from the rear elevation of the property and will continue the existing flat roofed extension to the rear. The extension is to the rear and will not be seen in the wider area and is considered acceptable.

3. Impact on neighbouring amenities

4. Highway and parking issues

The proposal is for a four bedroom dwelling and a minimum of three parking spaces are required and only two are indicated. There is ample space for an additional parking space at the frontage of the proposed dwelling.

The proposed access for the existing dwelling is not taken from a classified road and as such a turning area is optional. Highways have recommended that the applicant extends the length of the indicated parking bays to make them of a suitable size for the transit vans that currently park at the site, and either adjust the turning area to make it a suitable size for a car to use it as a parking bay or remove the turning area and include an additional parking space adjacent to the two indicated. This can be dealt with by a condition, but since the development is intended solely for residential purposes, it would be inappropriate to encourage parking for commercial vehicles within the site. Such parking is a separate matter which may require investigation by the planning enforcement team.

5. Other issues

Concern has been raised that the culverted watercourse of the village pond runs along the westerly boundary of the application site where the level of the land changes from the Old Cemetery opposite 1 Lincoln Way down to the pond in Wingate Road. Blockages in the past have led to flooding and there is concern that the watercourse could be blocked by foundation and construction work required. The IDB have raised no objection to the proposal. This detailed drainage issue is a matter also for consideration under the Building Regulations as such concerns would not warrant refusal of this application.

6. Unilateral Undertaking

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

The SPD is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has not been signed and completed at this stage.

Conclusion

In light of the above considerations application is recommended for approval.

Recommendation

That Planning Permission be granted subject to the following and to the completion of the Unilateral Undertaking:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be**

carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 **The foundations must be engineered and constructed in a manner that will reduce the risk of damage to the roots of the trees on the site. Details shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall be implemented fully in accordance with those approved details.**

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

- 4 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work and their positions shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. If access is required within the root protection areas then details of ground protection shall be submitted to ensure that there is no soil compaction or damage to the roots of the trees.

Reason: To safeguard the existing protected trees on the site in the interests of visual amenity.

- 5 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 6 **Development shall not begin until details of the three parking spaces for the new dwelling have been submitted to and approved by the Local Planning Authority and the new building shall not be occupied until the parking spaces have been constructed in accordance with the approved details.**

Reason: To provide off street parking for the dwelling.

- 7 The proposed vehicular accesses shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 8 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level at all times.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 9 Before the new dwelling is occupied any lengths of the existing access that are surplus to requirements shall be closed and reinstated in a manner to the Local Planning Authority's written approval

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 10 Details of bin collection point at the site frontage located outside of the highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling.

Reason: In order to minimise obstruction and inconvenience to users of the highway.

- 11 A scheme shall be submitted for written approval 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 before the dwelling is occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 12 The existing conifer hedge on the site shall be retained at a minimum of four metres in height and shall not be removed or cut down without the prior written consent of the Local Planning Authority.

Reason: To ensure the continuity of the privacy afforded by the hedge in question.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre, on 0300 300 8049 quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council helpdesk on 0300 300 8049.

3. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

4. The applicant is advised that the closure of any surplus lengths of the existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Bedfordshire Highways, Central Bedfordshire Council's, Customer Contact Centre, on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

5. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

DECISION

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