

Item No. 13**SCHEDULE B**

APPLICATION NUMBER	CB/10/01873/FULL
LOCATION	Land adjacent 1 Prince Charles Avenue, Stotfold, Hitchin, SG5 4PN
PROPOSAL	Full: Erection of detached 3 bedroom dwelling
PARISH	Stotfold
WARD	Stotfold & Arleseay
WARD COUNCILLORS	Cllr Dalgarno, Cllr Saunders, Cllr Street & Cllr Turner
CASE OFFICER	Dee Walker
DATE REGISTERED	27 May 2010
EXPIRY DATE	22 July 2010
APPLICANT	Mr Hurling
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Requested by Cllr Mrs C Turner on grounds of overdevelopment of the entire site, unsuitability of the access and egress on the bend of the road
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located at land adjacent to 1 Prince Charles Avenue in Stotfold. The site is located within the recently completed Taylor Wimpey development. The site is currently the side garden area for no. 1 and rear garden of no. 10a Queen Street.

The Application:

The application seeks permission for the construction of 1 no. 3 bedroom detached dwelling linked to the garage. The proposed dwelling will be of a similar design to the existing development.

This is a revised proposal following a scheme (CB/09/07015/FULL) refused on grounds of unacceptable form of overdevelopment; inadequate off road parking provision, substandard access and the application contained insufficient information in the form of a legal agreement. Furthermore, the overall site area has increased to accommodate the proposed dwelling in this revised application.

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

- PPS1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2010)

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development CS5, DM3 and DM4 Management Policies (2009)

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009)

Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

Planning History

CB/09/07015

Full: Erection of 1 no. two bedroom detached dwelling with associated parking – Refused 10.02.2010

Representations: (Parish & Neighbours)

Stotfold Town Council

Object on the following grounds:

- The proposal by reason of its size and siting would result in an undesirable and unacceptable form of overdevelopment such that it would have an adverse impact on the character of the area, and that it would have an overbearing and adverse impact on the amenities, outlook and privacy of adjoining dwellings particularly being on an already elevated position;
- The proposal fails to make adequate parking provision for off street parking and if permitted would lead to an increase in on street parking or a vehicle overhanging the footpath thereby resulting in obstruction and additional hazards for users of Prince Charles Avenue;
- The proposed development would exceed the site quota of dwellings for the site, as permitted by the Inspector at the planning enquiry;
- It is also noted that the plans accompanying the application show the use of a neighbours land.

Adjacent Occupiers

One letter with no objection received.

One letter of objection received on the following grounds:

- Overdevelopment of the site;
- Inadequate off road parking for now a three bedroom

dwelling.

Consultations/Publicity responses

Highway Team	Comments received with regards to the location of the access in relation to the existing access
Public Protection Team	No objections
Site Notice Posted	10.06.2010

Determining Issues

The main considerations of the application are;

1. The principle of development;
2. The effect on the character of the area;
3. The impact that the proposal will have on the residential amenity of neighbouring properties;
4. Any other implications of the proposal.

Considerations

1. Principle of development

Stotfold is defined as a Minor Service Centre in Policy CS1 of the Central Bedfordshire Council Adopted Core Strategy and Development Management Policies 2009. Policy DM4 states that the Council will approve housing development appropriate with the scale of the settlement.

Following the announcement by DCLG and subsequent revised Planning Policy Statement 3 in June 2010, gardens are no longer classified as 'previously developed land' and therefore allowing Council's greater management to protect gardens from inappropriate development. However, the Central Bedfordshire Council Adopted Core Strategy and Development Management Policies Document allows, in principle new residential development within settlement envelopes. In this case the site is wholly within the settlement envelope and is considered to be appropriate development.

Therefore, in principle the proposed new development is acceptable. The report now deals with the relevant high quality requirements as set out in Policy DM3.

2. Character and Appearance of the Area

The surrounding development was completed in 2009 and the proposed dwelling is similar in terms of design. The proposed dwelling will be located on land that is currently private garden space and landscaping. The site is situated on a bend at the entrance to the estate and thus in a prominent location. The immediate neighbouring dwellings are terraced and semi-detached and in close proximity to each other. The proposed dwelling will infill an area that provides physical separation from the new dwellings and the existing dwelling at no. 10a Queen Street.

The revised scheme proposes a detached dwelling that will occupy the existing side garden of no. 1 and some of the rear garden of no. 10a Queen Street. Although the proposed garage will abut the boundary with no. 10a it will be of a single storey nature. With the inclusion of additional land for the plot of the new

dwelling it will result in a reasonable plot size that is not dissimilar to neighbouring dwellings and it is considered that the proposal would not have an adverse impact on the character and appearance of the area.

3. Residential Amenity of Neighbouring Properties

The principal properties that will be affected by the proposals are nos. 1, 4 and 6 Prince Charles Avenue, 10a and 12 Queen Street. All other properties are adequately well removed so as not to be affected by the proposal.

No. 1 Prince Charles Avenue is also under the ownership of the applicant and although the proposal will result in the loss of the side garden space to this dwelling, the property would retain an adequate area of garden to the rear.

No. 10a Queen Street is located immediately to the west of the site approx. 10 metres from the shared boundary. Although this dwellings has a wide rear garden it is comparatively shallow. Currently, there is a physical separation between the existing properties on Queen Street and the estate development but this would be reduced with the introduction of the proposal. The proposal involves a part of the rear garden of no. 10a being utilised as the rear garden for the proposed dwelling. The revised scheme results in the linked garage of the proposed dwelling being immediately on the boundary with no. 10a, however it is of a single storey nature and as such would not have an overbearing impact on this neighbouring property. There are no first floor windows proposed in the north west elevation and as such there will be no loss of privacy or overlooking to this dwelling. Furthermore, given the sun orientation and the siting of the dwelling, there will be no material loss of light as a result of the proposal.

No. 12 Queen Street is located to the north of the site and its rear garden backs onto the end of the proposed dwellings rear garden. The proposed dwelling will have 2 no. windows on the rear elevation that will serve bedrooms and given that it will be located approx. 11 metres from the boundary of no. 12 will give a degree of overlooking into their rear garden. Furthermore, given the topography of the site in relation to no. 12, the application site is on higher ground therefore given more scope to have views directly into the rear garden of no. 12. However, the view from the new dwelling will be a reasonable distance from the shared boundary and towards the end of the rear garden of no. 12 and thus not looking directly into their immediate private amenity space to the rear of the property. The building to building distance will not result in a significant loss of privacy and overlooking to the detriment of the occupiers.

Nos. 4 and 6 Prince Charles Avenue are located on the opposite side of the road and although the resultant dwelling will introduce another dwelling opposite, it is considered that the development would not have any more impact than the case for neighbouring dwellings which face each other along this road.

Overall, it is considered that the proposal would not have a significant adverse impact on the residential amenity of these neighbouring properties by reason of loss of privacy, light or overbearing impact.

4. Any Other Implications

The Highways Team was consulted on the previous proposal and raised objections to the proposal on grounds of visibility, which subsequently resulted in a reason for the refusal to the scheme. The revised scheme indicates a slightly

realigned access crossover in order to enter/exit the garage and as such the Highways Team have raised no objection subject to conditions being attached.

Following the adoption of the Planning Obligations Strategy SPD on 20 February 2008, the SPD provides a mechanism to ensure that smaller-scale development can fairly and reasonably contribute towards new infrastructure and facilities. The Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 be submitted with the planning application.

This application was submitted on 27 May 2010 and as such the proposal would attract Planning Obligations. A legal agreement was submitted with the application but there are further amendments required. Should the document be completed before the committee date, then the application will be in accordance with Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies DM3, CS5 and CS1 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009) and Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 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 **Prior to the commencement of development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 4 Prior to the first occupation of the building hereby approved full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 6 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. PCA/PL001/- and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 7 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 8 Before the premises are occupied any surplus existing access within the frontage of the land to be developed, not incorporated in the new access hereby approved shall be closed and surplus lengths of dropped kerb reinstated in a manner to the Local Planning Authority's written approval.

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

- 9 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the western elevation of the building.

Reason: To protect the amenities of occupiers of neighbouring properties.

DECISION

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