

Item No. 13**SCHEDULE B**

APPLICATION NUMBER	CB/10/03477/FULL
LOCATION	2 High Street, Stotfold, Hitchin, SG5 4LL
PROPOSAL	Full: Proposed detached dwelling to the rear garden of existing house
PARISH	Stotfold
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllr Dalgarno, Cllr Saunders, Cllr Street & Cllr Turner
CASE OFFICER	Godwin Eweka
DATE REGISTERED	21 September 2010
EXPIRY DATE	16 November 2010
APPLICANT	Mr McNeill
AGENT	Aria Design
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Turner – Backland development and design, not in keeping with other residential properties
	Full Application - Granted

Site Location:

The site to which this development relates, measures 0.1 hectare and lies to the rear of Number 2 High Street, Stotfold, a two-storey 1930's detached dwellinghouse with pebble dashed and complementary plain tiled hipped roof and with two existing outbuildings.

This property shares a boundary with the church, north of the application site, at the crossroad of the High Street, Arlesey Road, Regent Street and Hitchin Road. The site has an existing vehicular crossover, which serves the dwellinghouse from the High Street. The existing property also has a large rear garden, which is split into an area of lawn and former vegetable garden, which has been left uncultivated for a couple of years.

The Application:

Proposed detached dwelling to the rear garden of the existing house, comprising three bedrooms and provision of two car parking spaces to the front and side of the dwellinghouse.

This proposal has been advertised in the local press.

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

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS5 (Planning for the Historic Environment)

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3; DM4; CS1; CS2 and CS14

Supplementary Planning Guidance/Document

DS1 Design Guide for Central Bedfordshire (Jan 2010)

Planning Obligations Strategy (2009)

Planning History

There is no relevant Planning History.

Representations: (Parish & Neighbours)

Stotfold Town Council

Object as the building would be greatly out of character with the streetscene and would seriously affect the visual impact and character of the area. The proposed dwelling would constitute an unacceptable impact on neighbouring residential property by reason of overbearing impact, loss of privacy and loss of outlook to houses at Numbers 4 and 6 High Street.

The proposal fails to make adequate provision for turning for delivery vehicles and tankers to empty the septic tank. Object on the grounds that the proposal would constitute an unacceptable form of backland development. Medieval artefacts have been found on property and it is vital that an archaeology survey is carried out to assess development. There are no boundaries between the two properties shown on the plans and it is not apparent from the plans that the footpath on the property would have to be diverted to allow the development to take place, consideration for how the footpath links up with the other footpath would require vetting by Rights of Way Officer.

Neighbours

Two letters of objection have been received from the agent acting on behalf of the owner-occupiers of Numbers 4 and 6 High Street, Stotfold. The grounds of objection are as follow:

1. Garden Land: As you are aware, the development of existing garden land is now discouraged by alterations to

Central Government advice. Prior to June this year, garden land was considered to be brownfield or previously developed land under the terms of Annex B of PPS3.

2. Design: Paragraph 48 of PPS3 highlights the need for good design to ensure that land is used efficiently and by identifying the distinctive features that define the character of a particular area. The design bears no relation to the surrounding area and has no architectural leads.

3. Loss of Residential Amenity: The proposed residential development is unacceptable in principle. It will lead to loss of residential amenity to neighbouring occupiers.

4. Loss of Privacy: The development will result in a loss of outlook to a number of neighbouring properties and in particular, my clients' houses. The windows in the front elevation of the dwelling at first floor level, will give rise to loss of privacy to neighbouring owner-occupiers, particularly, their garden areas and rear elevations.

5. Built Form/Backland Development: The proposed development will give rise to highway safety and lead to a form of development, which is wholly inappropriate by reason of its poor and ill informed design, unacceptable siting, leading to a cramped form of development, which does not respect the local layout and the key characteristics of the surrounding area.

6. Highway Safety: The impact of the vehicular access on the neighbouring property, which will lead to a loss of amenity by reason of noise and general disturbance as well as issues concerning pollution and light nuisance from vehicles. The proposed vehicular access and servicing arrangements, are inadequate and the proposed turning facilities do not meet current standards.

7. Archaeology: Archaeological survey should be carried out. As a keen gardener, it is common place to dig up various Victorian artefact and many pottery fragments in the rear of garden of Number 2 High Street.

8. Size: The size of the proposed new build is 50% larger than the existing house (stated as 120 sqm), the proposed new build is claimed as 180 sqm. All Eastern sunlight and heat which comes into the Simpson Centre, will be blocked.

9. Eco House: Eco House pretext (Ideal approach to ease planning restrictions). In section 8, Sustainability. The following statements are vague and are not solid statements. The solar gain from the large windows...It is hoped that need for convention heating will be designed out (i.e. no heating).

Consultations/Publicity responses

Highway and Transport Division
No objection, subject to condition.

Ramblers Stotfold
Footpath Officer
We have noted that Footpath (FP11) runs down the side of the property and is in the ownership of the property. We also observed that the FP provides a valuable link between the High Street and Brook Street and that there is currently a tall fence between the FP and the existing house and garden. We assume the fence or similar structure will be retained in order to provide the occupants with adequate degree of security and privacy.

The Design & Access Statement indicates that after consultation with the Central Bedfordshire Rights of Way Officer, it has been agreed to leaving a footpath width of 2.0m and a further 0.3m from the footpath to the dwelling.

It has been noted that FP11 should not in any way be affected by vehicular access to either the existing or proposed property.

In consideration of the above, the Ramblers Association have no objection to this application, providing there is no obstruction to FP11 during development.

No comments received.

Rights of Way Officer

No objections raised.

Archaeology

Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact of Development on Character and Appearance of the Area
3. Impact of Development on Neighbouring Properties
4. Highway Safety Implications
5. Planning Obligations Strategy
6. Sustainability
7. Archaeology

Considerations

1. Principle of Development

This site lies within the '*Settlement Envelope*' of Stotfold. As such, the proposed development is assessed against Policies CS1; CS2; DM3; DM4 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), categorises Stotfold as one of the district's *Minor*

Service Centres due to its size and strategic position to the A1 and A507.

Policy DM3 requires all new development such as this, to be appropriate in scale and design to their setting, contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials, land use efficiency, energy efficiency, respect the amenity of surrounding properties, provision of adequate parking and servicing etc.

Policy DM4 states that within the '*Settlement Envelope*' of a Minor Service Centre such as Stotfold, the Council will approve housing with the scale of the settlement, taking into account of its role as a local service centre.

Policy CS14 requires development to be of the highest quality by respecting local context, varied character, focusing on the quality of buildings individually or collectively to create an attractive, accessible public realm and reducing the opportunities for crime etc.

There has been a recent amendment to PPS3 and residential gardens are no longer classed as previously developed (brownfield) land.

The amendments to PPS3 (Housing) which were announced on 9th June 2010, give Local Planning Authorities power to determine the best locations for development within their area. The amendments do not supersede Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), which finds the principle of residential development within Settlement envelopes acceptable. This change in Government Policy results in lesser weight being given to the presumption in favour of garden land and it increases the weight given to the impact on amenity and character.

This development therefore, is assessed according to its merit, taking into account its specific site constraints. Bearing in mind the location of the proposed site within the Settlement Envelope, the principle of a residential development is considered acceptable.

2. Impact of Development on Character and Appearance of the Area

This proposal lies in an area of varied character, with varying architectural styles. The design and materials of the proposed two-storey dwelling are different from the design of the 1930's existing two-storey dwellinghouse at Number 2 High Street and the adjoining Victorian properties of Numbers 4 and 6 High Street, Stotfold.

The design of the proposed dwellinghouse however, is described as a contemporary style, depicting a mono-pitched roof with celestial windows just beneath the ridge line facing west of the site. The pitched roof is of dark slate or a dark standing seam roof. The other parts of the dwellinghouse would comprise a flat roof with membrane construction. Wall finishes would be a mixture of smooth painted render and a natural Cedar/Larch clad, incorporating a plant room on the first floor, thus projecting out over one of the parking spaces. It is advised this would be left untreated and allow to weather naturally.

The varying design and architectural styles of the immediate surroundings are such that the proposed development would not look out of character from the

surrounding areas. It is considered the modern design lends itself to some environmental benefits, thus providing a sustainable development in the use of materials and renewal energy. The development therefore, is likely to enhance the varied nature of architectural designs in the area.

3. Impact of Development on Neighbouring Properties

The proposed two-storey detached dwellinghouse would occupy near to the bottom of what would be the second half of the rear garden of Number 2 High Street, Stotfold. Number 2 already benefits from a generous rear garden, excluding the part that is the subject of this application. As such, there are various factors that need to be considered in relation to adjoining residential properties.

The proposed development would result in an insignificant level of adverse impact on the amenity of the adjoining residents. The application site is separated by a 2 metre high close boarded timber fences, staggered in parts in order to reflect the varying ground levels that bound the site from adjoining properties to the east and the public footpath to the west. The new development is well set back to the south of the adjoining properties at Numbers 4 and 6 High Street as well as from the existing Number 2 High Street.

The issues raised by the objectors in the form of adverse impact on residential amenity, loss of outlook, loss of daylight and sunlight to adjoining garden areas and rear elevation, have all been assessed. The proposed two-storey dwellinghouse is approximately 13 metres to the rear of Number 4 High Street, which has a ground floor side elevation window and French doors, together with large rooflights on the part single, part two-storey rear extension, which would be facing towards the front elevation of the new dwellinghouse, which boasts a first floor large window serving a bedroom 2. Due to the layout and orientation of this new development, which lies at 21 metres from Number 2 and 13 metres from Number 4 High Street, it is not considered there would be any adverse impact resulting in any overbearing impact, overlooking/loss of privacy or loss of daylight/sunlight to those properties. It is not considered the siting or height of this two-storey dwelling would result in any adverse impact to neighbouring properties.

It is considered the rooflight in the upper floor has been kept to a minimum to prevent overlooking and a few windows in the east elevation next to Number 4 High Street are considered above eye level. There are no windows on the west elevation fronting the footpath to cause any potential loss of privacy/overlooking. It is considered this arrangement would ensure that the noise from the public footpath is negligible. The proposed development is also unlikely to result in any noise nuisance due to the new vehicular access that connects the site from the High Street, along the side of Number 2 High Street Stotfold, given the likely intensity of the use.

The proposed two-storey dwelling is sited 8 metres away from its rear boundary and the rear garden of Number 33 The Mixies, with close boarded fencing, a mature hedge of about 2 metres high and some mature trees. This fence also forms the side/rear boundary of Number 33 The Mixes. Although, there are two rear bedroom windows on the first floor south elevation of the proposed dwelling, their outlook though, would be obscured by the vegetation, it is not considered

their location would cause any adverse impact on the amenity of the owner-occupier(s) of Number 33 The Mixies.

Furthermore, the orientation of Number 33 The Mixies, is such that its front elevation faces south-east, whilst its rear elevation and rear garden face the western boundary. The owner-occupier(s) of this property has been consulted, but no comments have been received. This suggests therefore, that there are no adverse issues of concern to these residents.

In response to the letter of objections received on behalf of the two adjoining owner-occupiers at Numbers 4 and 6 High Street, it is important to stress that Number 4 High Street gained planning permission in October 2005 for the erection of part single, part two-storey rear extension to the main dwellinghouse. Although the extensions are no higher than the existing dwellinghouse at Number 2 High Street, the scale of the extensions was not considered detriment to the owner-occupiers of Number 2 High Street. The proposed two-storey dwellinghouse therefore, is no higher than the height of the adjoining properties, but smaller in scale to them. The development therefore, should be considered within the context of the site, by virtue of its layout, scale and design within this rectangular plot, which forms the rear long garden of Number 2 High Street and which is also similar to the rear gardens of adjoining residential properties.

Consideration has also been given to the comments received from Stotfold Town Council and it is considered the issues raised, have been assessed and whilst the development lies to the rear of an existing dwellinghouse, with a proposed vehicular access link from the High Street, there are no other material considerations to outweigh the suitability of this development, as it is not considered it would result in any adverse impact, other than its location to the rear of an existing dwellinghouse, which is not likely to cause any harm or detriment to the amenity of the residents. This therefore, is not a reason to warrant refusal of the development.

4. Highway Safety Implications

This site currently has one off-street parking to the front garden of Number 2 with direct vehicular access from the High Street. However, the new proposal makes provision for three off-street parking to the front of this property and a further two spaces for the proposed dwelling at the rear, both of which would share the vehicular crossover direct from the High Street. The Highways and Transport Division have advised that no objections would be raised, subject to conditions.

Whilst there is no objection to the proposal the Highways and Transport Division have advised that the proposed dwelling alignment has been slightly altered to that of the building line on the pre-application advice, which they gave previously. As such, the turning area needs adjusting.

5. Planning Obligations Strategy

The proposed development is subject to a legal agreement in the form of a Unilateral Undertaking-Section 106 to seek financial contribution towards local infrastructure in accordance with the Supplementary Planning Document of the Planning Obligations Strategy (2009) and Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

6. Sustainability

The new property, though a two-storey detached dwellinghouse, is of a scale similar to the existing dwellinghouse at Number 2 High Street, Stotfold. This property is designed to incorporate renewable energy measures and energy efficient materials in its construction.

It is considered the construction of this dwellinghouse aims to provide an increased efficiency of insulation, together with solar power gain from the large south facing glazed windows, thus reducing heavy heating costs. The development also incorporates a 'Mechanical Heat Recovery Ventilation' system. It is advised Solar Power would be used to heat water with winter back up, which is provided by biomass in the form of wood boiler. It is also advised that rainwater would be collected in a specialist rainwater harvesting system to an underground tank, which would be used for w.c. flushing, washing machine and dishwasher.

7. Archaeology

The Historic Environment Record does not contain any records of archaeological features or finds from 2 High Street, Stotfold. It is also away from the known core areas of historic settlement in Stotfold. On this basis, it is not considered the proposed development is likely to have an impact on archaeological remains or on the significance of the heritage asset they would represent.

Reasons for Granting

That the proposed residential development and character of the area lie within the '*Settlement Envelope*' of Stotfold and whilst this is considered a development which lies to the rear of an existing residential dwelling, it is not considered the development would result in any significant harm to the adjoining residents and their amenity by virtue of its siting, scale, height or design. Given the design and location of the proposal, it would not have an adverse impact on the character of the area. Therefore, it is considered the development is in accordance with Policies CS1; CS2; DM3; DM4 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Recommendation

That Planning Permission be granted subject to the following:

- 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 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 The permission shall extend only to the application as amended by Drawing Number 790:03A

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.

- 4 **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, the location of which shall first be agreed in writing with the Local Planning Authority. 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.

- 5 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:-

- (i) materials to be used for any hard surfacing;
- (ii) proposed and existing functional services above and below ground level;
- (iii) planting plans, including schedule of size, species, positions, density and times of planting;
- (iv) cultivation details including operations required to establish new planting;
- (v) 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.

- 6 **No building shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.**

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

- 7 **Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. 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 so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 8 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway. The gates shall remain unlocked at all times to allow access into the site for delivery/service/ambulance vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off the highway before the gates are opened and allow access to the rear turning area.

- 9 **Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.**

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 10 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, parking provision, turning area and refuse collection point illustrated on the approved drawing No. 790:03A 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.

- 11 **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.

- 12 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(s) shall be formed on the east elevation of the dwellinghouse without prior written approval of the Local Planning Authority.

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

Notes to Applicant

1. 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
2. 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.

DECISION

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