

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/01305/FULL</b>
<b>LOCATION</b>	<b>1 Lincoln Way, Harlington, Dunstable, LU5 6NB</b>
<b>PROPOSAL</b>	<b>Single storey rear extension and new dwelling within garden.</b>
<b>PARISH</b>	<b>Harlington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Budge Wells</b>
<b>CASE OFFICER</b>	<b>Mary Collins</b>
<b>DATE REGISTERED</b>	<b>07 April 2011</b>
<b>EXPIRY DATE</b>	<b>02 June 2011</b>
<b>APPLICANT</b>	<b>Mr T Culverhouse</b>
<b>AGENT</b>	<b>Paul Lambert Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Officer called in to committee. Previous refusal at Development Management Committee</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**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 single storey rear extension to 1 Lincoln Way and the erection of new dwelling within the garden.

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

PPS 1                      Delivering Sustainable Development  
PPS 3                      Housing

**Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009**

CS1 - Large Village  
CS2- Developer Contributions  
DM4 - Settlement Envelopes  
DM3 - Protection of Amenity  
CS2, CS3 - Open Space for New Dwellings  
CS1, CS5 - Location of new Residential Development

## Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010  
Design Supplement 1: New Residential Development  
Design Supplement 4: Residential Alterations and Extensions  
Planning Obligations Strategy 2008

### Planning History

CB/09/01015 Full: Erection of a new dwelling in the side garden and single storey rear extension to existing property.  
Refused: 27/08/09 Appeal dismissed: 30/03/10

CB/10/01732 Full: Single storey rear extension to existing property and erection of a new dwelling within the garden. Withdrawn

### Representations: (Parish & Neighbours)

Harlington PC  
Adj. Occupiers

Response to be reported on Late Sheet  
Two letters of objection received: Loss of amenity and privacy from turning area.  
Noise and disturbance, exhaust fumes from cars using turning area, doors slamming, music, revving and deep exhausting effort on the slope incline. Will bring vehicles up to 1.5 metres of dwelling wall - vibration and fumes directly penetrating dwelling wall.  
Visual disturbance, loss of privacy vehicles arriving towards kitchen window intimidating outlook from a greater land height, blindingly invasive headlights, parked cars will obscure outlook.  
Additional vehicular entrance to serve the proposed dwelling dangerously close to junction between Lincoln Way and Church Road which is main route through village.

### Consultations/Publicity responses

Harlington Society  
Highways

No response received  
The proposal is for a three bedroom dwelling with two parking spaces and replacement parking of two spaces and access for the existing dwelling. Noted on visiting the site that the existing property has two transit vans and a car parked within the site. If this is the usual parking arrangement for this dwelling then the indicated proposed parking for the existing dwelling will not be sufficient as it is too short for transit vans and there will be the displacement of vehicles onto the highway which did not exist previously.

	The accesses are not taken from a classified road and as such the turning area for the new dwelling is optional however it is required more as a manoeuvring area so that vehicles using the site can access/exit the parking bays.
Application advertised 29/04/11	Any further response to be reported on Late Sheet
Site Notice Posted 19/04/11	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
6. Unilateral Undertaking

## Considerations

### 1. Principle of Development and background

Planning permission has been previously refused for a two storey dwelling and a subsequent appeal was dismissed.

Since the previous refusal Planning Policy Statement 3: Housing was revised on 10th June 2010. The amended policy document sets out the Secretary of State's policy on previously developed land and housing density and removes private residential gardens from the definition of previously developed land in Annex B.

Local Planning Authorities and the Planning Inspectorate are expected to, where relevant, take it into account as a material consideration when determining planning applications. In terms of PPS3, this gives Local Planning Authorities the power to decide for themselves the best locations and types of development in their areas. The policies in the Adopted Core Strategy will help inform these decisions. The Council's adopted Core Strategy (for the North Area) places a presumption in favour of development within the Settlement Envelope regardless of the classification of the land. Therefore, although a material consideration, the change of classification of garden land may have little impact on the determination of such applications.

Whilst the revisions to PPS3 remove the presumption in favour of development on garden land, the Local Planning Authority may still grant planning permission on these sites if the proposal complies with policies in the Council's Adopted Core Strategy.

The application site lies within the settlement envelope for Harlington wherein the principle of residential development is generally acceptable subject to certain detailed considerations. Harlington is classified as a large village under in the Core Strategy and Development Management Policies Development Plan Document (DPD) where policies CS1 and CS5 are applicable.

There are no objections to the principle of residential development within Harlington as proposed in this application as long as various other criteria are satisfied, in particular the size of the site needs to be adequate, there must be sufficient on site parking, the design of the proposed house must be in keeping with its surroundings and there must not be an unduly adverse impact on the amenities of neighbours. The site is not designated as important open space.

Planning permission was dismissed on appeal on 30/03/10. The Inspector concluded that the proposal would seriously and unacceptably harm the outlook from No 41 and thus the living conditions at that property.

This application differs from the previous refusal in that the dwelling has been reduced in height from two storey to one and a half storey. The position of the dwelling has also been amended with the dwelling sited further forward in the site. The one and a half section of the dwelling is also further away from the boundary. The existing conifer hedge is to be removed.

## **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 one metre 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 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 1.4 metres from this property and this helps to form a further graduation in the building heights from two storey to the single storey bungalow at 41 Church Road.

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 4 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 14 metres and is 9 metres wide tapering down to 6.5 metres wide. The garden depth is considered acceptable. 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**

#### **3 Lincoln Way**

The attached property at 3 Lincoln Way is not detrimentally affected by the single storey rear extension to the existing property as it is obscured from view by the existing flat roofed extension to the rear. It is not considered to be affected by the proposed dwelling.

#### **1 Lincoln Way**

Although the new dwelling is to be positioned forward of the front elevation of the existing dwelling at 1 Lincoln Way, due to the spacing between the dwellings the window to the front elevation of this dwelling will not be detrimentally affected by a loss of light. As the roof slopes away from the boundary and the dwelling is only single storey, it is considered that the dwelling is not overbearing on this proposed boundary with 1 Lincoln Way. The position of the proposed dwelling set forward of the existing dwelling will create a degree of privacy between the front gardens to the dwellings.

The new dwelling will not have a detrimental impact on the rear of the existing dwelling at 1 Lincoln Way.

### **Other adjoining properties**

There are two other residential properties adjoining the application site. 41 Church Road is a detached bungalow and adjoins immediately to the west. The rear garden of 39 Church Road wraps around the rear garden of 41 Church Road and a corner of its garden meets the rear corner of the application site.

### **39 Church Road**

The application site is on a promontory and the new dwelling will be visible from the neighbouring property at 39 Church Road, however due to the separation between the two properties, a detrimental loss of amenities through loss of light privacy or overbearing should not occur as a result of the application.

### **41 Church Road**

#### **Loss of light**

The new dwelling is to be positioned marginally forward of the rear wall of the bungalow adjacent at 41 Church Road. The majority of the bungalow at 41 Church Road will be set forward of the proposed dwelling. The bungalow is at a lower ground level with the front garden of the application site sloping downwards towards the boundary.

There will be some loss of morning sun as a result of the proposal being sited to the east of this property, however due to the spacing between the two properties at this point of 5 metres there will be late morning sun to the rear of the property. Light reaching windows to the side of the bungalow serving a kitchen will not be detrimentally affected by the proposed dwelling.

The window and door serving a lounge to the rear elevation are not considered to be detrimentally affected by a detrimental loss of light.

#### **Privacy**

Rooflights are proposed in the roofslope of the proposed dwelling facing the bungalow at 41 Church Road. There will be no views out of these rooflights as they will provide light via tunnels to the ground floor hallway and to the staircase. At ground floor level there is only a pair of doors to the dining room to the rear which face the side boundary but these doors are inset from the boundary by approximately 5 metres. Views out of these windows towards 41 Church Road will be screened by boundary treatment. A bedroom window in the gable end at first floor rear elevation of the rear elevation of the dwelling will overlook the far end of neighbouring gardens but the inset from the boundary will mean that a detrimental loss of privacy will not result.

Windows to the front of the proposed dwelling serving a bedroom, shower room and dining room are not considered to have a direct view into the side windows of the bungalow although in close proximity each other due to the orientation of the dwellings in relation to each other.

Windows to the side of the bungalow serve a kitchen, bedroom and bathroom. The bungalow is at a lower ground level with the front garden of the application site sloping downwards towards the boundary. The proposed parking area to the front of the proposed dwelling is in front of the kitchen window.

6.08 of the Design Supplement 1: New Residential Development states that "In no circumstances should parked vehicles (whether allocated to the property or not) be less than 2 metres from the windows of a habitable room." In this instance the proposed turning area will be inset approximately 1.5 metres from the boundary. The Council's Highway Officer considers that the turning area for the new dwelling is optional however it is required more as a manoeuvring area so that vehicles using the site can access/exit the parking bays. As such this area would not be used a parking space and would be kept free and available. A detrimental loss of outlook or loss of light is not considered to arise in any event as parking of cars is not a permanent feature. Any noise caused by vehicles would be likely to be short term only, and in any event the existing dwelling could utilise the front garden in this fashion without planning permission being necessary.

The neighbour has requested that if permission is granted a condition is attached requiring the erection of a two metre high acoustic retention wooden fence to be installed along the site's western boundary from the northerly tip of the proposed dwelling to the most southerly tip of the bungalow at 41 Church Road whilst construction work is underway. The latter section of which could be replaced by a 1.8 metre high brick wall constructed alongside the dwelling to absorb noise and disturbance from the adjacent turning space.

The erection of acoustic fencing and a brick wall is considered to mitigate the impact of vehicle noise and fumes. Acoustic fencing is close boarded fencing with vertical slats of wood and it is considered that this could form the boundary treatment to the western and northern boundary of the application site.

A condition will therefore be imposed to require that the acoustic fencing and a 1.8 metre high brick wall are erected prior to the commencement of works on the construction of the dwelling.

### **Overbearing**

The Inspector concluded that the previous proposal would seriously and unacceptably harm the outlook from 41 Church Road and thus the living conditions at this property.

The rear garden of the bungalow has an upper terrace which is approximately at the same ground level as the application site and a lower garden area which is lower than the application site by approximately one and a half metres.

The proposed dwelling is inset from the boundary by approximately 2.4 metres at its nearest point increasing to 4.5 metres. The two storey element of the dwelling is sited further away from the boundary with a small single storey section occupying part of the footprint of the refused dwelling. The height of the eaves at this point is approximately 2.5 metres and the roof slopes away from the boundary at a pitch of 45 degrees.

The sides of the dwelling will be predominately screened by two metre high intervening boundary treatment.

As the eaves level and ridge level have also been reduced, the impact of the proposal on the boundary is considered to be lessened.

In addition the proposed dwelling is set further forward than the previous refused scheme and therefore less of the rear boundary, where there is a distinct change in levels between the two gardens will be affected by the proposed dwelling towering above it. This is because the garden area at 41 Church Road will be of more comparable ground level to the new dwelling.

The bungalow lies to the west of the application site and it is not considered to be detrimentally affected by loss of light to its rear garden.

#### **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. The Inspector concluded that two parking spaces were adequate in line with PPG13: Transport.

Revised plans were received showing the parking area for two cars sited away from the side elevation of 41 Church Road to the opposite side of the frontage to 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.

#### **5. Other issues**

Concern has been again 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 raised no objection to the previous proposal. This detailed drainage issue is a matter also for consideration under the Building Regulations but such concerns would not warrant refusal of this application.

In the appeal decision the Inspector considered the potential effect of the proposal on surface water drainage. As the Council's technical consultant on this matter had not raised an objection, the Inspector saw no reason to depart from this position.

The occupier of the neighbouring property requests that the working hours for construction are restricted to the hours of 8am to 5.30 pm Monday to Friday with no Saturdays, Sundays or public holidays.

The Council has specific powers under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 and this is carried out by the Public Protection Team. It is expected that construction works shall not take place outside the following hours; 08:00 to 18:00 hours Monday to Friday 08:00 to 13:00 hours on Saturdays and no working on Sundays or Public Holidays.



As such it is considered that a condition regarding hours of construction is not necessary.

The Authority cannot impose conditions regarding the liability of the applicant for any damage to the neighbouring property as a result of the site development. This is a civil matter.

## **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 Central Bedfordshire 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. The status of the agreement will be updated to the committee through the Late Sheet. The Committee is requested that if the Section 106 agreement has not been completed by the committee date that Members delegate the decision to Officers pending the completion of the agreement.

## **Conclusion**

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

- 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 the development hereby permitted, acoustic fencing shall be erected along the western and northern boundaries to the rear of the application site. A 1.8 metre high brick wall shall be erected on the boundary between the side of the dwelling at 41 Church Road and the front garden of the dwelling hereby approved. The brick wall shall be retained in place at all times unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to provide an acceptable noise environment and level of amenity for future occupants of the development.**

- 3 **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.**

- 4 **Before development begins, a scheme for the secure and covered parking of cycles on the site for the new dwelling (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

- 5 **No work shall commence on site until details of all the 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.**

- 6 **Development of the new dwelling shall not begin until the junction of the proposed vehicular access with the highway and the on site parking for the existing dwelling has been surfaced and constructed in accordance with the approved details.**

**Reason: To order to replace the existing on site parking and access for the existing dwelling.**

- 7 **The accesses shall have a minimum width of 2.75m.**

**Reason: In the interest of road safety and for the avoidance of doubt.**

- 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 and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

- 9 Before the new 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. 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.

- 10 Before the new dwelling is occupied any lengths of the existing access that are surplus to requirements shall be closed 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 site.

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

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

- 12 The turning/manoeuvring space for vehicles illustrated on the approved Drawing No 2505-02 shall be constructed before the development is first brought into use.

Reason: To enable vehicles to manoeuvre and park outside the highway limits.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [2505-02, 2505-02, CBC/001 (Location Plan), CBC/002 (Site Plan)].

Reason: For the avoidance of doubt.

## Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access for the existing dwelling should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN 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 for the existing dwelling 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
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 Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308. 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 Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
6. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website  
[www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

## DECISION

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