

## Item No. 9

## SCHEDULE B

<b>APPLICATION NUMBER</b>	<b>CB/11/03834/FULL</b>
<b>LOCATION</b>	<b>23 Leedon Furlong, Leighton Buzzard, LU7 3PP</b>
<b>PROPOSAL</b>	<b>Two semi detached residential dwellings in the garden to the side of an existing dwelling.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Berry, Bowater &amp; Dodwell</b>
<b>CASE OFFICER</b>	<b>Nicola McPhee</b>
<b>DATE REGISTERED</b>	<b>02 December 2011</b>
<b>EXPIRY DATE</b>	<b>27 January 2012</b>
<b>APPLICANT</b>	<b>Mr Wren</b>
<b>AGENT</b>	<b>Gotzheim Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Called in by Cllr Amanda Dodwell on grounds of neighbour concerns regarding parking and access to the site.</b>
	<b>Full Application - Granted</b>

### Site Location:

No. 23 is a semi-detached house located in the south-eastern corner of Leedon Furlong which is a cul-de-sac off the southern side of Capshill Avenue. The property has a large side garden measuring 13.0m wide and 23.0m deep, together with a substantial area to the front which has a width of 10.0m, a depth of 13.6m and extends approximately half way across the width of the turning head at the end of the cul-de-sac.

Attached to the side of the house is a single storey flat roofed extension whilst within the side garden, slightly forward of the front elevation of the house is a detached garage.

### The Application:

Planning permission is sought for the erection of two semi-detached, two bed houses within the side garden of number 23 Leedon Furlong, the proposed dwellings having a width of 9.2m, a depth of 9.2m and incorporating a pitched roof with a height of 8.1m.

Five parking spaces would be provided to the front of the properties, the access to the parking area being shared with the existing house.

### RELEVANT POLICIES:

#### National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

#### Bedfordshire Structure Plan 2011

None.

#### South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental Considerations.  
H2 - Provision of Housing via "Fall-in" Sites.  
T10 - Parking in New Developments.

### **Supplementary Planning Guidance**

Central Bedfordshire Design Guidance.

Central Bedfordshire Council Planning Obligations Strategy.

### **Planning History**

<b>Application:</b>	Planning	<b>Number:</b>	CB/10/01716/FULL
<b>Validated:</b>	03/06/2010	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	15/10/2010
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	Erection of detached dwelling		

### **Representations:**

#### **(Parish & Neighbours)**

Leighton-Linslade Town Council (29/12/11): No objection.

Neighbours:

- 12 Leedon Furlong (04/01/12)
  - Increase parking problems in the close
  - Out of character
  - Incongruous materials proposed
- 13 Leedon Furlong (02/02/12)
  - Objection due to traffic congestion
- 15 Leedon Furlong (02/02/12)
  - Objection due to parking congestion
- 19 Leedon Furlong (05/02/12)
  - Objection due to parking congestion
- 6 Leedon Furlong (05/02/12)
  - Objection due to parking congestion

### **Consultations/Publicity responses**

Environmental Health Officer (30/12/11) Standing advice applies.

Highways Officer (22/12/11 & 1/02/12) 22/12/11- Objection due to insufficient off-street parking provision  
01/02/12- Removal of objection subject to the imposition of conditions

### **Determining Issues**

The main considerations of the application are;

1. Policy Considerations
2. Principle of development.
3. Impact on residential development.
4. Access and parking.

### **Considerations**

#### **1. Policy Considerations**

Policies BE8 and H2 of the South Bedfordshire Local Plan Review require

developments to complement and harmonise with local surroundings, to carefully consider the setting of any development and to have no unacceptable adverse effect upon general or residential amenity and privacy whilst also making an efficient use of land. Developments must also be readily accessible to public transport whilst also being acceptable in terms of highway safety and traffic flow.

PPS1 stresses the importance of good design within planning, stating that “Good design is indivisible from good planning” (para 33) and; “Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” (para 34).

PPS3 reiterates the advice contained within para 36 of PPS1 in that developments must take the opportunities available for improving the character and quality of an area (para 13). This means creating or enhancing “a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity” (para 16).

### The PPS3 Revision

The Government has amended Planning Policy Statement 3: Housing (PPS3) with the following changes:

- The national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47.
- Private residential gardens are now excluded from the definition of previously developed land in Annex B

The exclusion of private residential gardens from the definition of previously developed land at a national level will now mean that development proposals for residential development on private residential gardens may be contrary to the guidance and will therefore be unacceptable in principle. However the Council must consider all other relevant material planning considerations to assess whether or not such considerations outweigh the policy. Other material planning considerations are likely to include:

- scale and character,
- the demand for additional housing,
- whether there is an existing valid planning permission,
- the scope for highway improvements,
- and the opportunity to make efficient use of the land.

It is for the Council to determine how much weight is given to these other relevant material planning considerations, treating each application on its own merits.

## **2. Principle of development.**

Permission was granted for a single detached dwelling in 2010.

Whilst it is recognised that the site currently comprises the side garden of the existing property and recent government advice incorporates a presumption against what is commonly referred to as 'garden grabbing', it is considered that this site is of a size which is comparable with other properties in the area, both in Leedon Furlong and the adjoining Brooklands Drive and Waterdell.

Other properties in Leedon Furlong are predominantly semi-detached, as such, this pair of semis would be in-keeping with the prevailing character. In addition, the site is located at the end of the cul-de-sac where it is considered that the proposed houses would respect the character of the area.

### **3. Impact on residential development.**

The relationship between the proposed dwellings and the immediately adjoining properties is such that there would be no significant adverse impact either in terms of overbearing appearance, overlooking or loss of privacy. Properties in Waterdell to the south-west have garden depths of some 22m. The south-west facing side elevation of the proposed houses contain a window to the stair and hallway. These circumstances together with the existence of tree/hedgerow screening on the common boundary would ensure that there would be no loss of amenity to the occupiers of those adjoining properties. In order to ensure that privacy is maintained, a condition will be imposed to prevent the installation of side facing windows as 'permitted development'. Adjoining properties to the rear in Brooklands Drive have rear garden depths of between 10m and 15m, which provide back-to-back distances of 23m and 28m.

The Central Bedfordshire Design Guide gives a 'rule of thumb' back-to-back distance of 21m, this development would fall well within these parameters.

Having regard to this relationship and the presence of existing screening on the common boundary, which will be conditioned to be retained, there would be no adverse impact on the amenity upon neighbouring properties. The nearest properties on the opposite side of the cul-de-sac would be some 30m distant and would not be adversely affected by the proposal.

### **4. Access and parking.**

The proposed dwellings would be provided with five on-site car parking spaces to the front of the property. Number 23 can accommodate three parking spaces, one in a garage and the other two on the driveway.

Although the width of Leedon Furlong is somewhat restricted and it is recognised that there may be on-street parking problems at present, the access and parking arrangements are in accordance with the Central Bedfordshire Design Guidance, Supplement 7 and as such are considered to be acceptable to serve the proposed development.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow

specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on site.  
(Policy BE8, S.B.L.P.R).

- 3 **Development shall not begin until details parking arrangement for 5 cars within the confines of the site has been approved by the Local Planning Authority and no building shall be occupied until those parking spaces have been constructed in accordance with the approved details.**

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

- 4 **Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

**Reason: To safeguard the amenity of adjoining residents.  
(Policy BE8, S.B.L.P.R).**

- 5 **Before development begins, the position of the dwelling hereby permitted shall be pegged out on site and its position approved in writing by the Local Planning Authority.**

**Reason: To enable consideration to be given to the precise layout of the development.  
(Policy BE8, S.B.L.P.R).**

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the south-west facing flank elevation of the dwelling hereby permitted.**

**Reason: To protect the amenity of neighbouring residents.  
(Policy BE8, S.B.L.P.R).**

- 7 **Before development begins and notwithstanding any details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building.  
(Policy BE8, S.B.L.P.R).**

- 8 **Development shall not begin until details of the improvements to the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction 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**

- 9 Before the dwelling hereby permitted is first 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.

- 10 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 access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).

- 11 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

- 12 Before the premises are first occupied, the bin storage/collection point shown on drawing number 3055-PL-1.02 Rev B shall be constructed and thereafter retained for purpose.

Reason: In the interest of amenity.

- 13 **Development shall not begin until details of secure cycle storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.**

**Reason: In order to promote sustainable modes of transport.**

- 14 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the**

**construction period.**

- 15 **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**

- 16 The access shall have a minimum width of 4.5m

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

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3055-PL-1.01, 3055-PL-2.01 & 3055-PL-1.02 Rev B.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposal would not have a detrimental impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies BE8, T10 and H2 of the South Bedfordshire Local Plan Review 2004; Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), Regional policies in the East of England Plan (May 2008). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

#### **East of England Plan (May 2008)**

ENV7 Quality in the Built Environment

#### **Bedfordshire Structure Plan 2011**

None

#### **South Bedfordshire Local Plan Review**

BE8 Design Considerations

H2 Fall-In Sites

T10 Parking New Developments

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant/developer is advised that this permission is subject to a legal obligation under the provisions of Section 106 of the Town and Country Planning Act 1990.
5. 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 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, Technology House, 239 Ampthill Road, Bedford MK42 9BA 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.
6. 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 the Council in its capacity as Agent Highway Authority.
7. 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.
8. 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. (HN xi)

## **DECISION**

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