

**Item No. 7****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/11/04330/FULL</b>
<b>LOCATION</b>	<b>34 The Mount, Aspley Guise, Milton Keynes, MK17 8EA</b>
<b>PROPOSAL</b>	<b>Proposed new dwelling to existing 3 sided development with access to Local Authority adopted road, in a cluster development arrangement adjacent to an existing dwelling.</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>22 December 2011</b>
<b>EXPIRY DATE</b>	<b>16 February 2012</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Banks</b>
<b>AGENT</b>	<b>ADC PRACTICE LIMITED</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor B Wells. This application is an infill plot and the distance between the existing house is more than adequate</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Site Location:**

The site lies on the west side of Mount Pleasant in the built up area of the village of Aspley Guise and comprises of a detached house built about 40/50 years ago. It has a large garden area to the front and rear and is generally surrounded by large properties set within large curtilages. There is a detached garage in the grounds of the house as well as some outbuildings. A group of trees within the frontage of the site are the subject of a Tree Preservation Order.

**The Application:**

This application is for the erection of a flat roofed, detached, eco friendly designed house. It is to be sited to the north of the existing dwelling - in a similar location to the existing garages. The existing access off The Mount is to be used to serve both the existing house and the proposed one.

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

PS1 Sustainable Development  
PPS3 Housing  
PPG2 Green Belt

**Regional Spatial Strategy  
East of England Plan (May 2008)**

ENV7

**Core Strategy and Development Management Planning Documents dated  
November 2009.**

DM2 Sustainable Construction of new buildings.  
DM3 High Quality development  
DM4 Development within and beyond Settlement Envelopes.  
DM6 Development within Green Belt boundaries.  
DM14 Landscape and Woodland  
CS1 Development Strategy  
CS2 Developer Contributions  
CS5 Providing Homes  
CS13 Climate Change  
CS14 High Quality Development

**Supplementary Planning Guidance**

Design in Central Bedfordshire A Guide for Development

**Planning History - relevant**

07/00474	Front porch and replacement wall/fence Refused: 19/04/2007
81/00513	Extension to house and enclosure of existing swimming pool Granted: 30/07/1981
CB/11/03400	Erection of new dwelling Withdrawn: 21/11/2011
T.P.O.	T.P.O. No. 25 dated 2005.

**Representations:  
(Parish & Neighbours)**

Aspley Guise Parish Council	No Comment
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Neighbours	1 Supports: The site is available for development, is far enough from other houses to provide no significant impact, in keeping with the diversity of dwellings in The Mount and consideration needs to be given to develop plans that accommodate existing trees on site ensuring the look and feel of the property is retained.
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App Adv

## **Consultations/Publicity responses**

Highways Officer	Comments to be reported.
Tree officer	Objects.
Preservation Society	No obs received.
Legal	The Unilateral Undertaking is acceptable

## **Determining Issues**

### **The main considerations of the application are;**

1. Background and Policy
2. Size, Siting and Design in relation to character of the site and the visual amenities of the area generally
3. Impact on amenities of neighbours
4. Tree, Access, Parking and Other Considerations

## **Considerations**

### **1. Background and Policy**

The site lies in the built up area of Aspley Guise and within the Green Belt Infill boundary where there are no objections to the principle of infill development as long as various criteria are satisfied. The Core Strategy and Development Management Planning Document dated November 2009 states that infill development can be defined as small scale development utilising a vacant plot which should continue to compliment the surrounding pattern of development. In these Green Belt Infill boundaries the quality of the landscape and existing development is very high and the principle of high quality and locally distinctive design will therefore be applied by this authority when considering proposals for any kind of development in these areas. There is mixed residential development all around the site.

The site does comprise of an undeveloped area of land situated in the built up area of the village in that it forms most of the front garden to the existing house - number 34 The Mount. The surrounding pattern of development in the vicinity is variable with very different shapes and sizes of dwellings and plots. The topography of the area is also very varied which leads to very differing types of residential plots. In view of this, it is felt that this site can be considered as one that broadly conforms to the definition of infill and is thus is potentially capable of being developed as long as various other criteria are satisfied.

### **2. Size, Siting and Design in relation to character of the site and the visual amenities of the area generally**

The site for the new house is to have a frontage of about 35 metres and an average width of 20 metres (approx). The existing house will be left with an

irregular shaped plot having a frontage of 20 metres (approx) onto The Mount and one of about 27 metres onto West Hill - being a corner site.

The new house is to be sited set back into the site by about 25 metres from the highway and to the immediate north of the existing house. The garage is to be demolished. The existing access is to be used to serve both the existing and new house and there is to be parking for the existing house to the front of the new one and parking for the new house to the north of the site. The driveway is to be a shared area. There is to be a terraced area to the north of the house. The timber decking area to the south has been removed. In the event that planning consent is granted for this new house then a condition is recommended to be attached which requires details of fencing or brick walls along the south boundary of the garden of the new house shared with the west side garden of the existing house to protect the amenities of occupiers of the existing house from loss of amenity by way of overlooking.

The new house is to be built having two floors and finished in painted render and horizontal western red cedar boarding - with flat sedum green roof. There are to be three bedrooms at first floor level and a lounge, kitchen/dining room and lobby at ground floor level. There is to be a terraced area to the north side of the house. The windows are to be metal extrusions with dry powder coated paint with clear glazing. Other windows are glass block insulated. The balustrade is toughened glass with metal fixings. The entrance canopy consists of an extruded steel construction curved front with recessed illuminations to the underside.

Clearly this is a very modern designed house. Aspley Guise comprises of a variety of house styles and ages. The houses in The Mount are generally large, detached built about 40/50 years ago. Whilst the proposed dwelling will clearly be of a very different character and material finish to these existing properties it is felt that it would be difficult to resist such a modern flat roofed design on the basis that it does not conform to the general design of houses around it. It is to be set well back from the road and will largely be obscured from three views into the site - by existing trees so will not appear as being visually intrusive into the street scene.

The revised plans have relocated the new house further north on the site with the house positioned such that there is a gap of 7 metres (approx) between the closest part of the existing house and the nearest corner of the one that is being proposed. There is to be a tapering garden length of over 20 metres to the north of the new house and a front 'garden' area having a depth of about 10 metres. The existing house will have a good sized garden area to its south. Whilst most of the front garden area will be a drive and turning area for both houses it is felt that the revised plans will not appear as being a cramped form of overdevelopment of the site in that both properties will have adequate open amenity area about them. This pattern of development will generally appear as being in keeping with the character of the area and comply with planning policies for infill development and will protect the openness of the Green Belt.

### **3. Impact on amenities of neighbours**

The site is closely surrounded by residential development. The properties which

are closest to the new house are those to the west - 88 and 92 West Hill. These are the other side of a private drive which serves some houses to the north of the application site. There are also mature trees along the boundary of the site.

One of the main areas for consideration is the potential impact of the new house on the amenities of the existing house by way of loss of outlook, light, overlooking and overbearing impact. The situation is exacerbated by the fact that the new house is to be built at a higher level than the existing one due to the slope of the land upwards in a northerly direction. The ground can not be lowered because of the tree roots which must be protected. The revised plans, however, indicate that the height of the building has been reduced by 200mm to accommodate the incline of moving the house further north.

The revised plans also indicate that the windows in the southern corner of the house have been removed and this will reduce the potential for overlooking into the existing house to the south.

There are to be two bedroom windows at first floor level facing westwards. These face towards number 88 to the west. The front elevation of this house is at a distance of 14 metres from the rear elevation of the proposed dwelling. In view of this close proximity it is recommended that if planning permission is granted then these first floor rear windows should be fitted with obscure glazing to protect the occupiers of this neighbouring house at 88 West Hill from overlooking and loss of amenity.

It is now felt that whilst there will be some loss of outlook and overlooking from the new house towards the existing one (both from the use of the house itself and from the use of the shared drive area to the front of the existing and proposed houses), the relationship between the proposed house with the existing one will be acceptable and any loss of amenity by way of overlooking and general disturbance to the occupiers of this house will not be sufficient as to sustain an objection.

#### **4. Trees, Access, Parking and other Considerations**

One of the main areas of consideration in this application is the impact of the development on the many trees on the site. There is a Lime and Sweet Chestnut tree and these are the subject of a Tree Preservation Order. The applicant advises that he is proposing to site the house so that these trees can be retained. There are also trees on adjacent sites which are covered by Tree Preservation Orders.

The tree officer has raised strong objection to the scheme. He is of the view that it will impose a continued conflict with the canopy of trees of the Protected trees namely trees 3012 and 3013 even after work is undertaken to comply with the management recommendations listed in the tree survey data schedule. This will lead to ongoing requests to prune these trees once the pressure of home occupancy comes to bear. Therefore, in order to alleviate nuisance, further pruning of trees will be required to alleviate conflict. This will result in works extending beyond that required on sound arboricultural grounds, leading to a reduction in the natural appearance and amenity value of the trees concerned. The tree officer also has concerns that there is no evidence provided that the development will have the necessary space to implement all construction

operations required without incurring damage to Protected Trees. This is in recognition of the extremely tight constraints of the site and the close juxtaposition with the adjacent trees when accommodating the need to site construction access, contractors parking, working space, access for equipment such as the rigs to sink piles, space for plant and material storage and the mixing of cement and concrete. These operations have not been evaluated in any arboricultural implication assessment and are considered to be unavoidable when attempting to prevent encroachment over the Root Protection Area and damaging the existing canopy spread of the protected trees. Also, there is no evidence provided, and it is considered to be unlikely, that a workable methodology is attainable for a suitable "no-dig" parking area under the crown of tree 3001. This is in recognition of the characteristic difference in surrounding ground levels and the need to provide the necessary clearance from the trunk of this tree in order to comply with current good practice, as set out in Arboricultural Practice note APN 12 " Through the trees to Development.

The tree officer is of the view that the application fails to recognise the above and the constraints imposed by the close juxtaposition of the trees and the practicability of construction requirements, which are unlikely to avoid conflict with tree protection requirements given the lack of available space. Therefore, the development will be to the detriment of the health, stability, natural appearance and amenity value of protected trees on site. This will be in conflict with Policy DM14 of the Core Strategy and Development Management Planning Document dated 2009 which states that trees, woodland and hedgerows in the district will be protected by requiring developers to retain and protect such features in close proximity to building works. Tree Preservation Orders will be used to protect trees under threat from development.

The applicant is of the opinion that since the house is to be promoted as an eco home then any purchasers of the house will more likely be tree - friendly and therefore less inclined towards concerns over tree/dwelling proximity. Also, he advises that the roof has a green approach which not only reduces the height of a conventional pitched roof but is tailor made to miss the canopy of the trees.

The highways officer is of the view that the development is acceptable as long as conditions are attached to any planning consent. An update on the highway conditions required to be attached to any planning consent in respect of the revised layout will be reported to the Planning Committee.

The applicant has submitted a completed Unilateral Undertaking in respect of off site financial contributions and this has been agreed by this authority.

In conclusion, we are of the view that the protected trees provide an important amenity feature and their loss would be harmful to the character of the area.

## **Recommendation**

That Planning Permission be refused.

- 1 The erection of the proposed house will lead to conflict with the canopy of the Protected trees on the site. This will lead to ongoing requests to prune

these trees by future occupiers of the house. In order to alleviate any nuisance further pruning of the trees will be required and this will result in works extending beyond that required on sound arboricultural grounds leading to a reduction the natural appearance and amenity value of these protected trees. This will be in conflict with Policy DM14 of the Core Strategy and Development Management Planning Document dated 2009 which states that trees, woodland and hedgerows in the district will be protected by requiring developers to retain and protect such features which are in close proximity to building works

- 2 The site has extremely tight constraints regarding the close proximity of the proposed house to trees. There is a need for construction access, contractors parking, working spaces and access for equipment such as the rigs to sink piles, space for plant and material storage and the mixing of cement and concrete. The application fails to provide evidence that the development will have the necessary space to implement all of the construction operations which are required in order to carry out the construction of the house without incurring damage to Protected Trees. It is also unlikely that a workable methodology is attainable for a suitable "no-dig" parking area under the crown of tree 3001 which is in recognition of the characteristic difference in surrounding ground levels and the need to provide the necessary clearance from the trunk of this tree in order to comply with current good practice as set out in Arboricultural Practice Note APN 12 "Through the trees to Development". Consequently the proposal would likely result in the loss of trees protected by a Tree Preservation Order harmful to the character of the area and in conflict with Policy DM14 of the Core Strategy and Development Management Planning Document dated 2009 which states that trees, woodland and hedgerows in the district will be protected by requiring developers to retain and protect such features which are in close proximity to building works.

**Notes to Applicant**

**DECISION**

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