

Item No. 17

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| APPLICATION NUMBER | CB/12/00466/FULL |
| LOCATION | 2 High Street, Stotfold, Hitchin, SG5 4LL |
| PROPOSAL | Erection of one detached dwelling |
| PARISH | Stotfold |
| WARD | Stotfold & Langford |
| WARD COUNCILLORS | Cllrs Clarke, Saunders & Saunders |
| CASE OFFICER | Richard Murdock |
| DATE REGISTERED | 09 February 2012 |
| EXPIRY DATE | 05 April 2012 |
| APPLICANT | Mr McNeill |
| AGENT | Aragon Land & Planning Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Councillor Brian Saunders request based on the form of development and the impact upon the amenities of the adjoining occupier. |
| RECOMMENDED DECISION | Full Application - Refused |

Site Location:

The site measures 0.2ha and lies to the rear of no. 2 High Street, Stotfold. That property is a two storey detached pebble dashed dwelling with a plain tiled roof. The property benefits from a long back garden which will be approximately halved to create the application site.

The surrounding area comprises a church and civic/public buildings to the west, separated from the site by a public footpath that extends from High Street to the south of the application site. To the east and south of the site is existing residential development.

The Application:

Planning permission is sought for a detached two bedroom bungalow, proposed to be sited at the southern end of the site. Access is to be derived from the High Street using an existing crossover and there will be parking provided to both the front and side of the dwelling with a turning area also to the front.

The applicant has submitted an appeal against non-determination and this report seeks endorsement of the reason for refusal should an appeal not have been submitted. The resolution of the Committee will form the basis of the evidence the Council will submit to the Planning Inspectorate.

RELEVANT POLICIES:

National Policies (PPG & PPS)

National Planning Policy Framework 2012

Central Bedfordshire Core Strategy and Development Management Policies (2009)

Policies DM3, DM4, CS1, CS2 and CS14 apply.

Supplementary Planning Guidance

Design Guide for Central Bedfordshire (Jan 2010)

Planning Obligations Strategy (2009)

Planning History

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| CB/11/03668/LDCP | Lawful Development Certificate - Erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. Granted 25/11/2011 |
| CB/10/03477/FULL | Full: Detached dwelling to the rear garden of existing house. Refused 12/11/2010/ Appeal dismissed 07/03/2011 |

Representations: (Parish & Neighbours)

Stotfold Town Council: No objections subject to neighbours being consulted

Neighbours: One letter submitted on behalf of adjoining occupiers at nos. 4 and 6 High Street, Stotfold making the following objections:

- the approach that a permitted development garage then allows for an alternative use building is flawed;
- CBC did not approve the building, it accepted that it was permitted development;
- PPS 3 discourages garden grabbing, which this development is;
- Proposal results in substantial loss of garden land and is overdevelopment of the site;
- Will result in an alien form of development, not in keeping with surrounding character;
- Does not accord with Policy DM3 due to being an inappropriate form of design, not in keeping with surrounding area and makes no contribution to the site and its setting;
- It will affect the amenity of adjoining properties due to loss of privacy, loss of outlook and deterioration of views;
- Light pollution from vehicle movements associated with dwelling and exhaust fumes close to windows, patio and garden;
- Contrived vehicular access which impacts upon character of the area;
- Car dominated plot with no real garden area and

provision of geo textile membrane for parking will dominate the site;

- Limited opportunity for soft landscaping;
- The previous appeal is important where it was stated that the siting of the dwelling was out of keeping with linear pattern of development along this part of the High Street and therefore an intrusive structure that would harm the street scene.
- Inspector concluded that the development would have an adverse impact on the character and appearance of the area.
- The Inspector also considered that the vehicle access would give rise to a significant increase in noise and disturbance and that this would give rise to an unacceptable loss of privacy and increase in noise and disturbance at no. 4 High Street to the detriment of living conditions.

One letter of support on the basis that there is a need for more housing, it should be within existing developed areas rather than in open countryside. This application deals with previous concerns and it will not be intrusive to neighbours.

Site Notice Displayed 20/01/2012

Consultations/Publicity responses

CBC Highways No objections subject to conditions
CBC Footpath: No comments received

Determining Issues

The main considerations of the application are;

1. Planning History
2. Principle of development
3. Impact upon character and appearance of the area
4. Impact upon the amenities of adjoining properties
5. Highway safety and access
6. Other Issues

Considerations

1. Planning History

The site has been subject to recent planning history which is worth highlighting in the consideration of this application.

In 2010 a full planning application was submitted for a detached dwelling on this site. It was for a two storey dwelling albeit in a contemporary style such that the ridge height would be lower than a traditional two storey house. Central Bedfordshire Council refused planning permission for the following reasons:

1. The proposal by reason of its size, siting and design, would result in cramped form of inappropriate backland development harmful to the character and appearance of the surrounding area. As such, the proposal is contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Planning Policy Statement (PPS3-Housing).

2. The proposed development by reason of its size, siting and design, would result in an unacceptable loss of amenity by way of loss of light, loss of privacy and overshadowing to adjacent dwellings. As such, the proposal would be contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

The decision was appealed and subsequently dismissed by the Planning Inspectorate. A copy of the decision notice is appended to this report. However, it is worth highlighting some key comments by the Inspector in reaching his decision.

With regard to the impact upon the character and appearance of the area, the Inspector considered that the dwelling would be out of keeping with the generally linear pattern of development along this part of the High Street. It would be large enough to be visible from gaps between buildings and therefore an intrusive that would harm the street scene.

In respect of the living conditions of adjoining occupiers, the Inspector did consider that the proposal would result in an unacceptable loss of amenity from the first floor window given the difference in levels. With regard to noise and disturbance, the Inspector stated that the manoeuvring of vehicles would cause a significant increase in noise and disturbance in an area expected to be a quieter part of the property. This was based on the proximity of the vehicle turning area to the boundary with no. 4 and its raised patio area. Overall the Inspector considered that the proposal would cause significant harm to the occupiers of no. 4 High Street.

Following the dismissal of the appeal, a lawful development certificate was submitted and granted for the erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. That building was the same size, in both footprint and height, as the dwelling the subject of this application and sited in virtually the same position at the bottom of the garden.

2. Principle of development

The site does lie within the Settlement Envelope for Stotfold and as such there is a presumption in favour of new residential development. The previous decisions by the Council and the Planning Inspectorate did not state that the principle of development was unacceptable. Rather it was the size, siting and appearance of development that was inappropriate.

Since the determination of that application, the Government has published the National Planning Policy Framework (NPPF) which supersedes all PPS's and PPG's. That document states that Council's should consider the case for setting out policies to resist inappropriate development of residential gardens, where for example it would cause harm to the local area.

Currently there are no policies restricting the development as proposed and therefore the principle of development is considered acceptable. The acceptability of the proposal rests upon the detailed aspects as set out below.

3. Impact upon character and appearance of the area

One of the reasons the previous appeal was dismissed was due to the intrusive appearance that the development would have upon the character and appearance of the area. The Inspector commented that the siting behind the existing building would be out of keeping with the linear pattern of development along the High Street. This was compounded by the fact that the proposal was a two storey development that would be visible between buildings and therefore it would appear intrusive.

The current proposal is lower in scale and as such it will be less visually intrusive upon the street scene when viewed from the High Street. On this point, regard must be had to the granting of the lawful development certificate for the ancillary outbuilding. That building along is the same footprint and height as the proposed dwelling. However, the LDC is for an ancillary outbuilding that forms part of no. 2 High Street. This proposal is for a new dwelling and subdivision of the plot to form two separate residential plots.

As such, each plot must have adequate space so as not to result in a cramped form of development. On balance, no. 2 High Street would maintain a reasonable amount of private amenity space to the rear. However, the proposed dwelling would not have that benefit. The building is located directly adjacent to the western boundary of the site, 2.5m from the east boundary and as close as 2m to the southern boundary. There is minimal usable space provided to the rear of the dwelling and to the front of the building is provided a parking space and grass crete turning area. The result is that overall, the dwelling has minimal amenity space and appears as a cramped form of development that is located close to side and rear boundaries.

In light of the above considerations the proposal would result in a cramped form of development. Whilst not viewed particularly from the High Street, this would be apparent from the public footpath to the west. This would appear different than if the building was an ancillary outbuilding within the curtilage of no. 2 High Street.

This would adversely affect the character and appearance of the area and be contrary to Policy DM3.

4. Impact upon the amenities of adjoining properties

The previous planning application was refused and dismissed on appeal based on the impact upon the amenities of the adjoining property, no. 4 High Street. In assessing the impact from the revised proposal, regard is had to the changes in the proposal and the fact that an LDC is in place.

There are no windows to the rear or side (west) elevations of the proposed dwelling but there are three rooflights on the south elevation. To the east elevation are two windows serving a bedroom and a bathroom respectively. To

the north elevation is a bedroom window, front door and full height glazed doors serving a living area.

This proposal is single storey in height and sited further back into the plot compared to the previous scheme. Given the amendments it is not considered that the proposed building would adversely impact upon the amenities of no. 4 High Street such that it would warrant refusal. There are no first floor windows that will directly overlook the patio area and the front to back relationship between no. 4 and the proposed dwelling is 22.5m.

Immediately to the rear of no. 4 is a raised patio area and concern has been raised regarding a loss of privacy. However, the distances accord with current design guidance and whilst the fence separating the two properties is lower than average at 1.6m, a higher fence could be secured by condition to assist this situation. The side windows of the proposed dwelling would not result in an unacceptable amount of overlooking into the rear part of the garden of no. 4.

The other issue highlighted by the Inspector was the level of noise and disturbance resulting from vehicles manoeuvring adjacent to the boundary and patio area of no.4. The difference between this application and the previous appeal is that the turning area is twice as far away from the patio area of no. 4 such that vehicles manoeuvring will not be directly adjacent to the rear patio area of no. 4. The access road will still extend adjacent to the side boundary with no. 4. The relationship as proposed is identical to that which would result should the outbuilding be built as per the LDC.

That relationship is not uncommon in instances where tandem development is constructed. On balance, the relocation of the turning area further away from the patio area of no. 4 is considered acceptable and it would be difficult to substantiate a refusal based on noise and disturbance. The resultant form of development would not be materially different compared to a scenario whereby the LDC were to be implemented.

The other adjoining property to the rear will not be adversely affected by the proposed dwelling. Whilst the dwelling is close to that boundary the roof is hipped away and the only windows facing south are rooflights. In view of this relationship and the scale of the building, it will not adversely affect the amenities of no. 33 The Mixies to the south.

There are no other adjoining residential properties that will be affected by the proposed development given the distances that they are located away from the proposed dwelling.

Overall, on balance, the proposal is considered acceptable with regard to its impact upon adjoining properties.

5. Highway safety and access

As with the previous application, there are no objections to the proposal on highway grounds. The access is considered adequate and sufficient off street parking is provided to serve both the no. 2 High Street and the proposed dwelling to the rear.

Subject to the attachment of relevant conditions, the proposals is acceptable in this regard.

6. Other Issues

The application has been accompanied by a Unilateral Undertaking that is in accordance with the adopted Planning Obligations Strategy and is therefore acceptable in this regard.

A public footpath adjoins the site directly to the west but this will be unaffected by the proposed development.

Recommendation

That had an appeal for non-determination not been submitted, then Planning Permission would have been refused for the following reason:

- 1 The development by reason of its size and siting and lack of rear amenity space would result in a cramped form of development that would harmful to the character and appearance of the surrounding area. As such, the proposal is contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Notes to Applicant

DECISION

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