

Item No. 9

APPLICATION NUMBER	CB/12/02561/FULL
LOCATION	Land at 28 The Avenue, Sandy, SG19 1ER
PROPOSAL	Erection of bungalow following demolition of existing outbuilding
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Aldis, Maudlin & Sheppard
CASE OFFICER	Samantha Boyd
DATE REGISTERED	17 August 2012
EXPIRY DATE	12 October 2012
APPLICANT	Mr Taheri
AGENT	Mr Beaty
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in. Cllr Aldis - reason - Neighbours on two sides are concerned about the impact on the proposed dwelling on their garden amenity.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is the former rear garden of No.28 The Avenue. Now separated from No. 28, the site is screened by fencing and remains open to the eastern boundary where it adjoins the public highway. On the rear boundary there is a single storey brick building and an attached open sided covered store. The site is grassed with building materials stored on the site. The area is residential in nature with a variety of two storey house design and age.

The Application:

Planning permission is sought for the erection of a bungalow on land to the rear of No 28 The Avenue.

RELEVANT POLICIES:

National Planning Policy Framework

Regional Spatial Strategy

East of England Plan (May 2008)

Core Strategy and Development Management Policies - North 2009

CS14, DM3 High Quality Development

CS2 Developer Contributions

DM4 Development Within and Beyond the Settlement Envelope

Supplementary Planning Guidance

Design in Central Bedfordshire A Guide for Development

Planning History

There is no planning history

Representations: (Parish & Neighbours)

Sandy Town Council	Support proposal in principle however expressed concerns over the orientation of the building as left little room around the proposed development and had an impact on the street scene.
Neighbours	Three letters of objection received, two from the same property- concerns regarding loss of light to garden, loss of privacy, potential to add dormers at a later date, concern over narrow passage to rear of property, building should be sited in position of existing stable block. One letter of support - will enhance this neglected corner of The Avenue.

Consultations/Publicity responses

Highways	No objections subject to conditions
Tree and Landscape	Lime trees adjacent to site need protecting.
Ecology	No comments received

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The effect on the character and appearance of the area
3. The impact on neighbouring amenities
4. Highway considerations
5. Any other issues

Considerations

1. The principle of the development

The application site is located within the Settlement Envelope of Sandy where new residential development is considered acceptable in principle.

2. The effect on the character and appearance of the area

The proposed bungalow is to be located in what was once the rear garden of No

28. The plot has been subdivided into an 'L' shaped area with 1.8m fencing that now encloses the smaller rear garden of the existing dwelling. The western corner of the site, along the rear boundary, currently houses a single storey height brick barn with a red pantile roof. Attached to the barn there is a covered wood store. It is clear from its appearance that the barn has been unused for some time.

The bungalow would be sited parallel to the northern boundary that also forms the side boundary of the rear garden to No 26 The Avenue. It would have a width of approximately 12.5m and a depth of 6m, an eaves height of 2.3m and a ridge height of 4m. To the front of the dwelling there would be a small gable projection to break up the otherwise plain elevation.

The dwelling has a footprint of approximately 70 sq m, approximately 25% of the overall site area which is 283 sq m. The private garden area which is south facing totals around 64 sq m which is considered to be adequate for a small two bedroom bungalow. The Councils Supplementary Planning Guidance states that rear gardens for family houses should be on average be no less than 50 sq m. Smaller gardens should be orientated to receive afternoon sunlight. The proposal is therefore not considered to result in an inappropriate cramped form of development.

The site is fairly secluded from the street scene given that this part of The Avenue is a not a through road. The application site is along a single track of public highway that serves No 30, 32 and the former garden area of No .28.

The proposal is not considered to have a detrimental impact on the character of the area given its low height and its location at the end of street. The proposal therefore complies with Policy DM3 of the Core Strategy and Development Management Policies Document.

3. The impact on neighbouring amenities

Concern has been raised from neighbours regarding the proposal.

No. 26 The Avenue shares its rear garden boundary with the application site. The proposed dwelling would be sited approximately 1.5m in from the existing 1.8m boundary fence and would extend 12m along the boundary at single storey level with an eaves height of 2.3m. The building is located to the south of the garden of no. 26, however given its low height any overshadowing would be to the far end of the garden. It is also noted that the existing building on the site, although smaller, is sited closer to the boundary and orientated so that the gable end is facing this neighbours garden therefore some shadowing already exists in this part of the garden.

One bedroom window is proposed in the east elevation facing towards No.s 28 and 26 The Avenue, however the window is at single storey level and the site is screened with a 1.8m fence. Given that the window is at single storey level, it is not considered that an adverse loss of privacy from overlooking windows.

Properties to the rear in Birch Grove, whose rear garden boundaries back onto the application site are approximately 10m from the site boundary. The

principle property affected is No. 8 (marked incorrectly on the block plan as No. 9) The gable end of the bungalow would be located directly behind the rear garden fence of this property, however it is considered to have less impact than the existing building on the site that abuts the boundary. One living room window is proposed in the west elevation which again is single storey and would face onto the boundary fence however as this is a secondary window with no view, the window could be obscurely glazed providing privacy for the new occupants and the properties to the rear.

The subdivision of the site for residential purposes is not considered to result in an adverse impact on the amenities of the adjoining neighbouring properties.

4. Highway considerations

The information submitted with the application shows the section of The Avenue alongside the property is public highway up to and including the access to No. 30.

Two parking spaces are provided to serve the proposed dwelling and two spaces exist on the frontage of No 28 to serve the existing dwelling. The parking provision is considered acceptable and accords with advice given in the Supplementary Planning Guidance: Design Supplement 7, Movement Streets and Places.

There are no objections from the Development Management Highways Officer provided conditions are attached relating to details of the junction with the public highway and surfacing of parking areas.

5. Any other issues

Trees

The only feature of importance on the site is a mature lime tree identified as T3, with a stem diameter approximately 600mm which would relate to a tree protection distance of 7.2 metres. This tree is approximately 12 metres in height with a fairly spreading but high main canopy.

There is extensive epicormic growth that could be removed from the main stem which would lift the canopy and allow more light and space. The work would be required on a regular basis. This tree and the other two smaller Lime trees on adjoining land are to the south of the proposed property are to the south of the proposal and as such it is likely that there will be some shading, leaf fall and light issues.

The proposed footprint of the building would appear to be around 7 metres from the existing T3 which provided care and protective fencing is erected in accordance with BS 5837 2012 should have minimal effect on the health of the tree.

Details would be required of all hard and soft landscaping proposed including detail of any proposed hard surface in the vicinity of the T3 and it is suggested that no hard landscaping or level changes within 7 metres of the base of this

tree are included.

All new services and soakaways are to avoid the root protection area of T3.

Contributions

The proposal qualifies for contributions towards local infrastructure under the Planning Obligation Strategy and Policy CS2 of the Core Strategy and Development Management Policies. A Unilateral Undertaking has been submitted by the owner and is waiting approval by the Council's Solicitors.

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 **NO development shall commence until a scheme has been submitted and approved in writing 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 **No development shall commence until details of the final ground and slab levels of the dwellings hereby approved have been 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.

- 4 **No development shall commence until 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:-**

- **materials to be used for any hard surfacing, including the parking area surfacing;**
- **proposed and existing functional services above and below ground**

level;

- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **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.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 6 **No development shall commence until details of the junction of the proposed vehicular access with the highway have been approved in writing by the Local Planning Authority and the dwelling shall not 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.

- 7 **No development shall commence until details including location, height and materials of temporary protective fencing or hoardings and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree protection in accordance with BS 5837 2012 have been submitted to and approved in writing by the Local Planning Authority and implemented as approved throughout the construction period.**

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 8 The dwelling hereby permitted shall not exceed one storey in height and there shall be no accommodation within the roof space.

Reason: To ensure that the site is not overdeveloped and that the amenities of the adjacent occupiers are not adversely affected.

- 9 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 development falling within classes A, B, C and E of Part 1 of Schedule 2 of the said order shall be carried out without the written permission of the Local Planning Authority.

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

- 10 The ground floor window in the west elevation of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 11.21.10, 11.21.10smap.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed single storey dwelling would not have a negative 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 size, design and location, the proposal is in conformity with Policies CS14, DM4 and DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: A Guide for Development, 2010.

Notes to Applicant

1. 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 Amptill Road, Bedford MK42 9BD 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.

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.

DECISION

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