

Item No. 19

APPLICATION NUMBER	CB/12/03697/FULL
LOCATION	Land Adj to 2 Sandy Lane, Leighton Buzzard, LU7 3BE
PROPOSAL	Demolition of existing detached double garage & construction of a 2 bedroom bungalow, with new access and associated parking
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Heidi Antrobus
DATE REGISTERED	16 October 2012
EXPIRY DATE	11 December 2012
APPLICANT	Mr & Mrs M Ciancio
AGENT	Lee Butler MRICS
REASON FOR COMMITTEE TO DETERMINE	One of the applicants is an officer of CBC
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The site currently contains a left hand sided semi-detached single storey bungalow of which the main elevation fronts Sandy Lane. The property is attached to the neighbouring bungalow of No.299 Heath Road. This pair of semi-detached bungalows are located on a prominent corner of Heath Road and Sandy Lane. The existing property of No.2 Sandy Lane is of a brick and tile construction with UPVC windows. The bungalow appears to have had a single storey extension on the left side of the main elevation.

The property has a double detached garage which has a footprint of 36 sqm. The garage is located on the left hand side of the main elevation on Sandy Lane. The garage has an adjoining wall to the left of the frontage which subdivides the front and rear garden whilst providing a boundary for the existing rear garden of No.2 Sandy Lane. The existing rear garden is an 'L' shaped and measures approximately 106.5 sqm. This is bordered at the rear by a 1.8 metre fence and the existing bungalow and detached garage.

The dual pedestrian access and vehicular access to the existing bungalow is located off Sandy Lane and there is off street parking in front of the garage for up to 3 cars. The curtilage fronting Sandy Lane is bordered by a 0.72 metre wall. The Sandy Lane garden frontage is about 9 metres in depth and the Heath Lane garden frontage has a depth of between 10 to 12 metres. Directly in front of the boundary wall to the left of the existing access is a large mature fine Oak Tree which overhangs the existing front garden of No. 2 Sandy Lane.

Planning Proposal

Demolition of existing detached double garage and the construction of a detached 2 bedroom bungalow, creation of an additional access point and 2 new driveways and associated boundary fencing.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (2012)

- | | |
|---|--|
| 6 | Delivering a wide choice of high quality homes |
| 7 | Requiring good design |

Regional Spatial Strategy

- | | |
|------|-----------------------------------|
| ENV7 | Quality of the Built Environment |
| SS1 | Achieving Sustainable Development |
| T14 | Car Parking |

South Bedfordshire Local Plan Review Policies

- | | |
|-----|-----------------------|
| BE8 | Design Considerations |
| H2 | Fall-In Sites |
| T10 | Parking |

The NPPF advises of the weight to be attached to existing local plans adopted prior to the 2004 Planning and Compulsory Purchase Act as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the above policies are consistent with the Framework and carry significant weight, other than T10.

Supplementary Planning Guidance

Design in Central Bedfordshire. A Guide for Development (2010) :
Requiring Good Design

- | | |
|-------|------------------------------|
| D.S.1 | New Residential Developments |
| D.S.7 | Movement, Streets and Places |

Central Bedfordshire Local Transport Plan : Appendix F – Approach to Parking (2012)

Planning Obligations Strategy – 23rd October 2009

Planning History

- | | |
|------------------|---|
| CB/12/02360/PAPC | Pre Application Advice Erection of a 2 bed chalet bungalow and demolition of existing double detached garage of No. 2 Sandy Lane. |
| CB/11/01919/FULL | Change of Use : From amenity land to residential garden by the erection of a 900mm fence. |

Representations: (Parish & Neighbours)

Leighton Linlade Town
Council

None received.

Adjacent Occupiers

One Objection from neighbours

- Loss of natural light to lounge and study / dining room
- Due to higher land overlooking and loss of privacy to back garden
- Buildline in front of existing properties on Sandy Lane
- Not in character with rest of properties on Sandy Lane
- Highways & Safety issues relating to corner junction, parking issues from corner shop
- New Access too close to the corner junction
- Impact on existing oak tree
- Current overflow parking from No.2 Sandy Lane from occupiers and visitors
- Overdevelopment, lack of garden amenity space.

Site Notice Posted

31/10/12

Consultations/Publicity responses

Highways

No Objection and provision of 5 planning conditions and 4 Informative Notes.

Trees & Landscape

Objection.

Determining Issues

1. Pre Application Discussions
2. Planning Application Submission Documentation
3. Principle of Development
4. Character and Appearance of the Area
5. Design
6. Impact on neighbouring residential amenity
7. Parking and Access
8. Trees
9. Planning Obligations

Considerations

1. *Pre Application Discussions*

In July 2012 pre application discussions were undertaken with the Council (Ref CB/12/02360/PAPC- Reply 20th July 2012). In the pre application

discussions it was concluded that the proposal would not obtain planning permission as it was contrary to Policy H2, insufficient amenity space provision, detrimental to the fine Oak Tree on Sandy Lane

2. *Planning Application Submission Documentation*

Following the validation of the application, the site visit was undertaken on the 31st October 2012 and during the assessment of the planning application submission it was found that there were inconsistencies on the application forms and between the various drawings as detailed on the submitted plan No 17912 dated September 2012. The agent was informed and an amended plan and additional information was provided by the agent on the 6th November 2012.

3. *Principle of Development*

The property is an existing residential property which is located within an existing residential area within Leighton Buzzard. The principle of the creation of appropriate new dwellings as infill within built up areas excluded from the Green Belt is acceptable providing they meet the requirements of the NPPF, Policies H2, BE8 and T10 of the South Bedfordshire Local Plan Review (Adopted January 2004) and the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Developments and Design Supplement 7: Movement, Streets and Places (2010) and the Central Bedfordshire Local Transport Plan : Appendix F – Approach to Parking (2012).

In paragraph 53 of the National Planning Policy Framework it aims to resist inappropriate development of residential gardens that would cause harm to the local area. The creation of a new large detached bungalow is not considered as appropriate and would lead to the loss of the valuable openness of the land which includes the front, side and rear garden to the prominent corner plot of the existing property of No. 2 Sandy Lane. Therefore the proposal would not comply with the requirements of the NPPF and Policy H2 of the South Bedfordshire Local Plan Review and does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance - Design Supplement 1: New Residential Development.

4. *Character and Appearance of the Area*

The existing semi-detached bungalow is an adjoining semi-detached bungalow of No.299 Heath Road. No. 2 Sandy Lane has a large surrounding grassed frontage and is located on a prominent corner plot located on Heath Road and Sandy Lane. The original main elevation of the property together with what appears to be a single storey extension fronts Sandy Lane and the property has a 10.3 metre frontage to Sandy Lane. The rear garden is located behind the detached garage which has an adjoining brick wall which subdivides the front and rear garden.

The wider street scene of Sandy Lane is characterised by large two storey detached properties with spacious set back frontages of 9 metres and large long rear gardens between 19 and 23 metres. The properties along Sandy

Lane including the direct neighbouring properties are set back by approximately 10.2 metres from the highway. The proposed bungalow footprint is proposed to be set back in part by 7.8 metres and the remainder by 9.5 metres from the highway and is therefore set further forward than the rest of the properties on the street scene.

The proposed bungalow including the formation of two driveways and associated car parking would lead to a substantial loss of the amenity space in the form of the front, side and rear garden which would be visible from Sandy Lane and Heath Road. The total loss of amenity space would equate to approximately 225 sqm. The street scene is characterised as having spacious open set back frontages together with spacious rear gardens.

It is therefore considered that the proposal is not in keeping with the character of the existing property and it is not in keeping with the character of the wider street scene of Sandy Lane and Heath Road. Therefore the proposal does not meet the requirements of the NPPF, Policies H2 and BE8 of the South Bedfordshire Local Plan Review and does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.

5. Design

- The existing double detached garage has a floorspace of approximately 36 sqm and this would be demolished
- The proposed 2 bedroom detached bungalow with chimney has a ground floor footprint of approximately 124.87sqm
- The proposed block paved two accesses, driveways and parking areas have an area of 137.45 sqm
- The proposal would result in a total loss of approximately 225 sqm of amenity space
- A new access would be created 2.4 metres away to the right of the existing access
- The proposal is partly set forward by 2.5 metres and 1 metre from the existing property of No.2 Sandy Lane
- The majority of the proposal would be constructed on the front/ side and rear garden of the semi-detached bungalow of No. 2 Sandy Lane
- The grassed garden fronting Sandy Lane of approximately 137.45 sqm would be turned into two block paved driveways which would be subdivided by a hedge. Each driveway would accommodate 2 cars and a turning area.
- The proposal would be 2.5 metres from the side elevation of No.2 Sandy Lane and 1 metre from the side elevation of No. 4 Sandy Lane
- The existing bungalow of No. 2 Sandy Lane would have a remaining rear garden of approximately 21.7 sqm compared to the original existing rear garden of approximately 110.98 sqm
- The proposed 2 bedroom bungalow would have a rear garden of approximately 88.99 sqm and it would be 6.2 metres to the rear boundary fence which also forms a common boundary fence to the rear garden of No.299 Heath Road
- There are no windows proposed on the side elevations

- The chimney would be visible from the left hand side elevation
- The bungalow is proposed to be of a brick and tile construction with UPVC Windows.

The proposed 2 bedroom bungalow building by reason of its location, size, location, height, bulk, scale and unsatisfactory design would result in overdevelopment and be harmful to the established character of the existing property of No. 2 Sandy Lane which is located on a prominent open grassed corner plot and it is considered it would be harmful to the character of the wider street scene of Sandy Lane and Heath Road.

The proposed 2 bedroom bungalow would lead to a substantial loss of existing amenity space including the loss of the front / side and rear garden space to No. 2 Sandy Lane and the creation of insufficient garden space to the proposed 2 bedroom bungalow and insufficient garden space to the existing property of No.2 Sandy Lane. As such the development is contrary to the paragraph 53 and Section 7 of the NPPF, Policies H2 and BE8 of the South Bedfordshire Local Plan Review (Adopted January 2004) and does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.

6. *Impact on neighbouring residential amenity*

It is considered that the proposal would have a significant impact on the amenity of the adjoining semi-detached bungalow of No.299 Heath Road, the detached property of No. 4 Sandy Lane and the semi-detached property of No. 2 Sandy Lane

Loss of Light

The proposed detached bungalow would be located 0.9 to 1 metre away from the existing common boundary to No.4 Sandy Lane. The side elevation of the proposed bungalow would be 8.7 metres in height including the chimney and 8 metres not including the chimney. The side elevation of the neighbouring property of No.4 Sandy Lane has 4 side elevation windows to the habitable rooms of the dining room and lounge which are visible from the street scene. The windows are slightly obscured for privacy and have a 1.8 fence by them although they are still visible above the fence. It is considered that the proposed 8 to 8.7 metre side elevation of the bungalow would result in a loss of light to these habitable rooms.

Loss of Privacy

The rear elevation of the proposed bungalow is located 6.2 metres away from the common boundary to the side of the rear garden to the neighbouring property of No.299 Heath Road which is also the adjoining semi-detached property to the existing property of No. 2 Sandy Lane. This proposal would result in a loss of privacy and amenity to the rear garden of No.299 Sandy Lane.

Future Potential Amendments / Permitted Development Rights

It should also be noted there is the potential for future amendments to the design of the bungalow that could result in the addition of dormer windows which would cause further harm to the neighbouring residential amenity.

Loss of Amenity / Garden Space

The proposal would result in a loss of approximately 89.28 sqm of the rear garden to the existing property of No. 2 Sandy Lane. This would leave Sandy Lane with a rear garden of approximately 21.7 sqm and the proposed bungalow would have 88.99 sqm.

The development would be sited close to common side boundaries of the neighbouring property of No.4 Sandy Lane and the rear side garden boundary of No.299 Heath Road which would be harmful to the residential and visual amenity of neighbouring occupiers. The development would lead to the loss of a substantial amount of amenity land to No. 2 Sandy Lane. As such the development is contrary to Section 7 of the NPPF, Policy BE8 and H8 of the South Bedfordshire Local Plan Review (Adopted January 2004) and does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.

7. Highways

The Highways Officer assessed this proposal on the original submitted plans Drawing No 17912 dated September 2012. There were found to be some discrepancies between the drawings. The Highways comments have been produced based on the Access and Parking Arrangement plan.

The current bungalow is a 3 bedroom property and currently has a detached double garage and an off street car parking area for up to 3 cars. A 3 bedroom property is required to provide 3 off street car parking spaces in order to meet the Council's Highways Standards.

The proposal involves the demolition of the existing double detached garage and the provision of a detached 2 bedroom bungalow on the land to the left of the existing bungalow of which the footprint will be set forward from the current build line of the double detached garage. The applicant is proposing to use the existing access for this new bungalow and to create a driveway and an associated area to accommodate 2 car parking spaces.

With regards to the existing property of No.2 Sandy Lane the proposal involves the creation of an additional access to the right of the existing access which will lead to a new extended driveway including a turning area and space to accommodate 2 off road car parking spaces.

The Highways Officer observed that the provision of a turning area on each driveway would provide a space for a third vehicle for each property. The two driveways would be divided by a Beech hedge. The Highways Officer therefore raised no objections to the proposal but required the attachment of 5 planning conditions and 4 Informative Notes.

It is therefore considered that the proposals would be able to accommodate sufficient off street car parking in order to provide 2 off street car parking spaces for the proposed bungalow and to provide 3 off street car parking spaces for the existing semi-detached bungalow. The proposal therefore complies with the requirements of the Central Bedfordshire Council's Supplementary Guidance - the Central Bedfordshire Local Transport Plan : Appendix F – Approach to Parking (2012).

8. Trees

At the front of the site, directly in front of the 0.72 metre boundary wall to the left of the existing access is a fine mature Oak tree. It was noted that a major hindrance of any development of this site is the provision of a new vehicle access, which would unavoidably impact on the root system of the Oak tree located in the highway, and measured to have a trunk diameter of 605mm. The Tree Officer has been consulted and has objected to this application stating that the proposal would have a detrimental impact on the health and stability of the fine Oak tree which is an important street tree which would lead to a reduction in the visual amenity and character of the area.

9. Planning Obligations

The applicants submitted a draft Unilateral Undertaking with the planning application for £5965. This provision meets the requirements for the provision of a new 2 bedroom property as detailed within the Council's Planning Obligations Strategy – 23rd October 2009.

Recommendation

That Planning Permission be REFUSED for the following reasons:

- 1 The proposal would result in a substantial loss of amenity space which currently falls within the curtilage of the semi-detached property of No.2 Sandy Lane. Paragraph 53 of the National Planning Policy Framework (NPPF) aims to resist inappropriate development of residential gardens. Therefore the principle of the creation of a new 2 bedroom detached bungalow and associated driveway and parking area is not considered as appropriate and would lead to the loss of valuable amenity land and therefore the proposal would not comply with the requirements of the NPPF, Policy BE8 and Policy H2 of the South Bedfordshire Local Plan Review (2004) and does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.
- 2 The proposal is considered to be out of character with the existing semi-detached property of No. 2 Sandy Lane and the wider street scene of Sandy Lane and Heath Road due to its proposed set forward location on the street scene of Sandy Lane and the substantial loss of a prominent front grassed garden fronting Sandy Lane which is also visible from Heath Road due to its prominent corner plot location, together with the substantial loss of the rear

garden to the existing property of No.2 Sandy Lane in an area that is characterised as having spacious set back frontages and spacious rear gardens. It is therefore considered that the proposal does not meet the requirements of the NPPF, Policies H2 and BE8 of the South Bedfordshire Local Plan Review (2004) and does not meet the requirements the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.

- 3 The development would be sited close to the existing common side boundaries of the neighbouring property of No.4 Sandy Lane and the rear side garden boundary of No.299 Heath Road which would be harmful to the residential and visual amenity of neighbouring occupiers. As such the development is contrary to Section 7 of the NPPF, Policy BE8 and H8 of the South Bedfordshire Local Plan Review (2004) and does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.
- 4 The development would have a detrimental impact on the health and stability of the fine Oak tree located directly adjacent to the property boundary on Sandy Lane which is deemed as an important tree. The development would lead to a reduction in the visual amenity and character of the area. As such the development is contrary to Section 7 of the NPPF, Policy BE8 of the South Bedfordshire Local Plan Review (2004).

DECISION

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