

Item No. 6

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 Employee of Central Bedfordshire Council
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 Sandy Lane elevation between the existing bungalow and the double detached garage.

The property has a double detached garage with two separate garage doors 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' shape and measures approximately between 109.8 sqm (as measured on Drawing No 51112) and this is partly bordered by a 1.8 metre fence and the existing bungalow, the side and rear of the detached garage and the adjoining brick wall which subdivides the front and rear garden.

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 approximately 10.5 metres in depth and the Heath Lane garden frontage has a depth of between 20 to 15.5 metres. On the Sandy Lane frontage, directly in front of the curtilage 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 and there is another larger Oak Tree nearby.

The property is located on the corner location of Sandy Lane and Heath Road and the street scene is residential in character. On the adjacent corner to the existing property of No.2 Sandy Lane is a corner shop and the highway in this area has double yellow lines. Further along Sandy Lane is the Oak Bank School.

Planning Proposal

Demolition of existing detached double garage including the adjoining wall and the construction of a detached 2 bedroom bungalow, creation of an additional vehicular 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

Objected on the grounds of overdevelopment of the site.

Adjacent Occupiers

7 Objections received from local residents on the following grounds in total:

- Overdevelopment
- Lack of garden/amenity space
- Loss of amenity space
- Loss of natural light to lounge and study/dining room of neighbouring property
- Due to higher land overlooking and loss of privacy to back garden
- Proposed buildline in front of existing properties on Sandy Lane
- Not in character with rest of properties on Sandy Lane
- Parking inadequate existing residents currently park on the green verge/highway – implications of additional property parking and associated visitor parking issues for 2 properties
- The new proposed access which will be constructed opposite the existing property will be dangerous due to it being nearer the junction of Sandy Lane and Heath Road
- Highways & safety issues relating to corner junction & the corner shop - people park on the corner on the yellow lines and outside No.2 Sandy Lane
- Traffic speed and flows from the junction onto and off Sandy Lane, higher traffic flows due to the Oak Bank School being located on Sandy Lane
- Impact on existing Oak tree
- Current overflow parking from No.2 Sandy Lane from occupiers and visitors
- Concerns in relation to drainage.

Site Notice Posted
Advertised

31/10/12

Consultations/Publicity responses

Highways	No Objection and provision of 5 planning conditions and 4 Informative Notes.
Trees & Landscape	Objection – Impact on the Oak Tree.

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 letter from the Council's Planning Officer 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 this planning 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, plan no 51112 and a second clean copy of the drawing was provided by the agent on the 16th November 2012.

In relation to the existing site the submitted drawings do not show the existing boundary wall to the rear garden that adjoins the detached garage and subdivides the front and rear garden.

3. *Principle of Development*

The property is an existing semi-detached residential bungalow 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 (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 (2012) it aims to resist inappropriate development of residential gardens that would cause harm to the local area. The creation of a new 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 that also fronts Heath Road. Therefore it is considered that the proposal would not comply with the requirements of the NPPF and Policy H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Council's Supplementary Guidance - Design Supplement 1: New Residential Development (2010).

4. Character and Appearance of the Area

The existing semi-detached bungalow is the adjoining semi-detached bungalow to No.299 Heath Road. The existing semi-detached bungalow of 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 main elevation of the property together with what appears to be a single storey extension fronts Sandy Lane and the property has a 10.5 metre frontage to Sandy Lane. The rear garden is located behind the existing detached garage which has an adjoining brick wall which subdivides the front and rear garden and leads up to the boundary fence to No.4 Sandy Lane.

The wider street scene of Sandy Lane is characterised by large two storey detached properties with spacious set back frontages of approximately 8.5 metres from the highway. The properties along Sandy Lane have large long rear gardens between 18.5 and 22.5 metres.

On the drawings the distance between the front of the proposed bungalow footprint to the highway fronting Sandy Lane varies between the submitted drawings as follows:

Drawing No	Measurement of distance between the front of the proposed bungalow footprint and the highway
17912 – Block Plan 1:500	Between 6.5 and 8 metres from the highway
17912 – Access and Parking Plan 1:100	Between 7.75 and 9.5 metres
51112 – Site Layout Plan	Between 7.9 and 9.6 metres

The proposed footprint is set forward by approximately 1 metre in front of the properties that front Sandy Lane and is set forward by 2 metres in front of the existing semi-detached property of No.2 Sandy Lane.

The proposed bungalow includes the addition of an additional access to 2.9 metres to the right of the existing access. There will be the formation of two driveways from the existing and proposed 2nd access which will create a turning area and parking for up to 2 cars for each property. The creation of these two driveways, two turning areas and associated parking areas will lead to a substantial loss of the amenity space in the form of the front and side garden which would be visible from Sandy Lane and Heath Road.

	Approximate Footprint of 2 driveways	Approximate Footprint of Proposed Detached Bungalow	Approximate Footprint of Existing Garage
Access and Parking Drawing 1:100	137.5 sqm		
Block Plan 1:500		65.87 sqm	
Block Plan 1:500			36 sqm

Therefore minus the existing detached garage there would be a total loss of amenity space of approximately 167.37 sqm. The street scene of Sandy Lane is characterised as having spacious open set back frontages together with spacious rear gardens and this set back frontage is also visible from Heath Road.

Opposite No.2 Sandy Lane is the corner shop which is located on the corner of Sandy Lane and Heath Road. Along side the corner on Sandy Lane there are a set of yellow lines to prevent parking in this area. Further down Sandy Lane is the Oak Bank School. It was observed on the Officer's site visit that Sandy Lane/Heath Road has a high vehicle flow due to the corner shop and school location. There is a higher level of car parking outside No.2 Sandy Lane and outside the corner shop near to the road junction of Sandy Lane and Heath Road due to the customers using the corner shop.

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 due to the substantial loss of amenity space. Therefore the proposal does not meet the requirements of the NPPF (2012), Policies H2 and BE8 of the South Bedfordshire Local Plan Review and it does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development (2010).

5. **Design**

It should be noted there are some variations/inconsistencies between the measurements on the various submitted drawings so all measurements are approximate.

- The existing double detached garage has a floorspace of approximately 36sqm and this will be demolished.
- The proposed 2 bedroom detached bungalow with chimney has a ground floor footprint which measures approximately 65.87 sqm.
- The proposed block paved two accesses, driveways/turning areas and parking areas have an approximate area of 137.5 sqm.
- The proposal would result in a total loss of approximately 167.37 sqm of amenity space.
- A new access will be created 2.9 metres away to the right of the existing access.
- The proposal is partly set forward by approximately 2 metres in front of the semi-detached bungalow of No.2 Sandy Lane and by at least 1 metre in front of the detached house of No.4 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 which equates to approximately 137.5 sqm.
- The grassed garden fronting Sandy Lane of approximately 137.5 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 approximately 2.3 metres from the side elevation of No.2 Sandy Lane and 0.9 to 1 metre from the side elevation of No. 4 Sandy Lane.

Remaining rear garden (based on drawing no 51112)

- The rear garden has been defined as a rear garden due to its enclosed nature and the various items that were located within the rear garden.
- The existing semi detached bungalow of No. 2 Sandy Lane would have a remaining rear garden of approximately 21.35 sqm compared to the original existing rear garden of approximately 109.8 sqm.
- The proposed 2 bedroom detached bungalow would have a rear garden of approximately 88.45 sqm and it would be 6 to 6.15 metres to the rear boundary fence which also forms a common boundary fence to the rear garden of No.299 Heath Road.

Proposed Elevations of the Proposed 2 bedroom Bungalow

- There are no windows proposed on the side elevation and it would be approximately 4.65 metres in height including the chimney and 4 metres without the chimney.
- The chimney would be visible from the left hand side elevation which would face the side elevation of No. 4 Sandy Lane.

Materials

- 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, 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 (2012), Policies H2 and BE8 of the South Bedfordshire Local Plan Review (2004) and the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.

6. *Impact on neighbouring residential amenity*

8 objections have been received, 1 from the Town Council and 7 from neighbouring properties.

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 approximately 0.9 to 1 metres away from the side elevation of No.4 Sandy Lane. The side elevation of the proposed bungalow would be approximately 4.6 metres in height including the chimney and approximately 4 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 approximate 4 to 4.6 metre side elevation of the bungalow would result in a loss of natural light to the habitable rooms of neighbouring property No.4 Sandy Lane.

Loss of Privacy

The rear elevation of the proposed bungalow is located approximately 6.15 to 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 Heath Road.

Future Potential Amendments / Permitted Development Rights

It should also be noted there is the potential for future amendments to the design of the bungalow via the Permitted Development Rights or the

submission of a future planning application that could result in the addition of dormer windows to the front and rear elevations which would cause further harm to the neighbouring residential amenity and would result in overlooking.

Loss of Amenity / Garden Space

The proposal would result in a loss of approximately 88.45 sqm of the rear garden to the existing semi-detached property of No. 2 Sandy Lane. This would leave No.2 Sandy Lane with a rear garden of approximately 21.35 sqm and the proposed bungalow would have 88.45 sqm.

The development would be sited close to the 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 (2012), Policies BE8 and H8 of the South Bedfordshire Local Plan Review (2004) and the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development (2010).

7. Highways

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

The current bungalow of No.2 Sandy Lane is a 3 bedroom semi-detached bungalow that 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 Highway 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 would be set forward from the current build line of the double detached garage. The applicant is proposing to use the existing access for the new bungalow and to create a driveway to the left on the existing front garden to accommodate two off street car parking spaces and a turning area. The two off street car parking spaces would be located on the existing front garden in front of the side boundary hedge to the neighbouring property of No.4 Sandy Lane.

For the existing property of No.2 Sandy Lane the applicant has proposed to create a new access which is 2.5 metres to the right of the existing access. From this access it is proposed to create a 2nd driveway and parking area for 2 off road car parking spaces and associated turning area which would be on the existing front garden right up to the corner of No.2 Sandy Lane that fronts Heath Road.

Each access / driveway would be subdivided by the proposed new Beech hedge.

The Highways Department were consulted on the proposal, they have no objections to the proposal and they require the attachment of 5 planning conditions and 4 Informative Notes. 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.

It is therefore considered that the proposals will be able to accommodate sufficient off street car parking in order to provide 2 off street car parking spaces for the proposed detached 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 fronting Sandy Lane to the left of the existing access is a fine mature Oak tree and there is another large Oak Tree nearby. It was noted that a major hindrance of any development of this site is the provision of new vehicle access, which would unavoidably impact on the root system of a fine mature Oak tree located in the highway, and measured to have a trunk diameter of 605mm and the roots would be up to 7 metres. The Tree Officer has been consulted and has objected to this application stating that the proposal including the provision of the driveway and associated block paving would have a detrimental impact on the health and stability of the 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 (2012) (NPPF) aims to resist inappropriate development of residential gardens. Therefore the principle of the creation of a new 2 bedroom detached bungalow and the associated creation of two new driveways and associated parking areas 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 (2012), Policies BE8 and Policy H2 of the South Bedfordshire Local Plan Review (2004) and the proposal does not meet the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development (2010).

- 2 The proposal is considered to be out of character with the existing semi-detached property of No. 2 Sandy Lane, the properties along 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 grassed garden fronting Sandy Lane which is also visible from Heath Road due to the 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 (2012), Policies H2 and BE8 of the South Bedfordshire Local Plan Review (2004) and it does not meet the requirements the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development (2010).
- 3 The development would be sited too 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 (2012), Policy BE8 and H8 of the South Bedfordshire Local Plan Review (2004) and the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development (2010).
- 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 loss of the tree 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 and Policy BE8 of the South Bedfordshire Local Plan Review (2004).

DECISION

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