

Item No. 11

APPLICATION NUMBER	CB/13/02110/FULL
LOCATION	5 The Orchard, Houghton Conquest, Bedford, MK45 3NR
PROPOSAL	Two storey rear extension and single storey side extension
PARISH	Houghton Conquest
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Lauren Westley
DATE REGISTERED	19 June 2013
EXPIRY DATE	14 August 2013
APPLICANT	Mr & Mrs Litchfield-Goodman
AGENT	JPT Design Consultants
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Called in by Councillor A Barker as the proposal is considered overdevelopment. Full Application - Approval

Summary of Decision

The proposal, due to its size, location and design, would be in keeping with the character and appearance of the dwelling house and surrounding area, and would not have an adverse impact on the amenity of neighbouring properties. Therefore, the proposal is in accordance with the aims of the National Planning Policy Framework (2012), policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009) and the technical guidance - Design in Central Bedfordshire: A Guide for Development (2010).

Site Location:

The application site is located on the northern side of the High Street, in a small modern development of 10 dwellings now called The Orchards. The site itself is part way down the development, comprising a residential plot that adjoins the village hall land to the east and the rest of the residential development to the north, south and west. The site is occupied by a two storey semi detached dwelling house, constructed in red brick, with parking to the front.

The Application:

The application seeks full planning permission for a single storey side extension and two storey rear extension to the dwelling house. The extension will facilitate a larger lounge room and new garden room on the ground floor and new dressing room on the first floor. The single storey side extension will have a mono-pitched roof, extending 1.015m from the existing side flank wall, to bring the dwelling to the eastern boundary line, and extend 8.7m - the length of the dwelling. The two storey rear extension will have a rear facing gabled roof, and will 'infill' a corner section of the dwelling house, effectively only projecting past the existing rear wall of the

dwelling by 1.070m, with a width of 4.2m.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 7 – Requiring Good Design

Core Strategy and Development Management Policies - North (2009)

CS14 – High Quality Design

DM3 – High Quality Design

Supplementary Planning Guidance

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

DS7 Residential Alterations and Extensions

Planning History

MB/03/00881/FULL Erection of eleven dwellings with garages and parking spaces.

Granted: 10.05.2004

Representations

Houghton Conquest Parish Council The Parish Council objects to the application on the following grounds:

- Planning permission MB/03/00881/FULL stated that in view of the limited garden depths, the dwellings would be unlikely to be suitable for extension.
- Maple tree in close proximity to extension and there is concern that root damage during construction may kill the tree, which could lead to subsidence.
- Access to oil tank for regular refilling would not be readily available.
- There is a covenant on the properties that place an obligation on residents not to cause a disturbance to neighbours, construction in such a small area is likely to cause disturbance.

Neighbours
(Four responses received)

- Detrimental to the look of the cul-de-sac, be out of character and set a precedent.
- Proposal significantly reduces the size of the rear garden and as such is an overdevelopment of the site.
- Adjacent tree that may need to be pruned and damage to the roots could cause die back and affect foundations and lead to subsidence.
- Covenant in place requiring the consent of the Management Company before works are carried out, not to obstruct shared accessways and not to cause inconvenience or disturbance to amenity of owners and occupiers.
- Previous planning permission removed PD rights and a note advised that future extensions would be unlikely due to limited garden depth.

- The car parking spaces can not be used for building equipment or materials. The road is narrow and privately owned and construction work will cause significant disruption and possibly damage to road.
- No consideration has been given to oil deliveries.

Consultations/Publicity responses

Trees
Landscape

and There is one maturing Maple, within approx 2.5 metres of the site boundary. The tree is in fair condition with good vigour. It would seem that in the past the canopy has been reduced back from the property boundary, probably at the request of the applicant with regards to leaf/light issues.

The proposed extension will be up to the boundary and as a result it is likely that further requests to prune back will be asked for.

It is likely that roots from the Maple will encroach into the area of the foundations and as a result would be severed if conventional strip foundations are used. However, the trees are not covered by Tree Preservation Order and as such, the roots could be severed as a matter of course up to the boundary line of the property.

If the extension was permitted, a condition could be attached to require the use of minipile foundations or similar low impact foundations, which would ensure root damage does not occur. However it is my opinion that due to the ongoing issues of leaves, light and litter that will occur in the future as the tree continues to mature, the proposal is unviable.

Determining Issues

The main considerations of the application are;

1. Character, appearance and streetscene
2. Residential amenity
3. Tree issues
4. Other Matters

Considerations

1. Character, appearance and streetscene

The proposed development comprises a minor extension to an existing two storey dwelling house. The application site is effectively 'tucked' into a corner of the development, as it is set back behind No. 6 when viewed from The Orchards. The proposed side extension, which will extend 1m from the side flank wall of the dwelling will be well screened behind the existing dwelling and limited views of this extension will be possible from The Orchards. The two storey rear extension will be visible from the rear of the property, when viewed

over the rear garden of the property and the rear garden of No. 6. However the views of the proposal, from The Orchards and the surrounding dwellings, will be relatively limited and off-set by the existing dwelling, attached dwelling, and surrounding detached garages, and fencing. As such, the proposal is not considered to have a detrimental impact on the character and appearance of the development, or the street scene.

As the proposal will be visible from the adjacent village hall land, which is used to provide access to the village playing fields. Regard should be given to the views of the proposal from this vantage point. The proposal will extend to the boundary line with this land and run along the length of the boundary for 8.7m, and as such will be clearly visible when viewed from this land. However, the extension will be seen with the backdrop of the rest of the residential development and as such will not appear out of place.

The proposal has been designed to match the existing roof slopes and styles of the existing building and will be constructed in materials to match. As such, the proposal is considered acceptable and is in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009), and Design in Central Bedfordshire: A Guide for Development (2010).

2. Residential amenity

Due to the location and size of the proposal, it is not considered to have a detrimental impact on surrounding residential amenity. The side extension will effectively infill the space between the existing dwelling house and the boundary with the village hall land and as such will not impact on any surrounding dwellings. The two storey rear extension primarily infills a corner of the dwelling, only extending past the rear wall of the original dwelling by 1m. This has ensured that the light, outlook and privacy of the attached dwelling, No. 6, remains unaffected. The two storey rear extension will result in an additional first floor window that will have views over the rear gardens of No.s 7 and 8, however given the existing first floor window, and the existing detached garage between the boundaries of No. 7 and No.5, no material adverse impact is expected.

The rear extension will 'infill' an area of land to the rear of the existing dwelling house and as such it will reduce the amount of available amenity space at the rear of the dwelling. However due to this layout, the rear garden depth has largely been retained. The proposed extension will only encroach an additional 1m from the existing rear wall of the dwelling house, providing a minimum garden depth of 6m, increasing to 7m. It is noted that the available amenity space will be approximately 50m², which is in accordance with the Council's Design Guidance. It is also noted that the amount of amenity space provided remains more than what is currently provided at the attached dwelling No. 6 and adjacent dwelling No. 7, who both have less than 50m². As such, it is considered that the adequate amenity space will be retained and that the extension will not result in an overdevelopment of the plot.

Given the above, the proposal is considered acceptable and is in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009), and Design in Central Bedfordshire: A Guide for Development (2010).

3. Tree issues

The site itself does not benefit from any significant planting, however, adjacent to the proposal, on the village hall land, is a row of Maple trees, running perpendicular from the dwelling house. The nearest one being approximately 2.5m from the boundary of the site. Concern has been raised that these trees will be affected by the development, in particular that damage to roots may cause the tree to die, and subsequent subsidence issues.

The trees are not covered by a Tree Protection Order and are not sited within a Conservation Area, as such they do not benefit from any level of protection and their removal could occur without the consent of the Council. As such, if any tree roots currently exist within the boundaries of the application site, they can lawfully be removed by the owner as they constitute trespass. Therefore, regardless of this application, any existing roots can be removed at any time.

Whilst the tree officer has suggested that a condition requiring low impact foundations are used in order to ensure that the tree roots are not affected, under planning legislation regard needs to be given to the reasonableness of such a condition (Condition Circular 11/95). Given that the roots could be removed prior to the commencement of development, it is not considered reasonable to require the extension, which is only 1m closer to the trees than the existing dwelling, to be constructed with low impact foundations.

It is noted that the tree officer has indicated that the development may give rise to additional pressure to prune the tree as it matures. It is considered that this may very well be likely, however in itself would not be a reason for refusal as the trees themselves are not protected.

In terms of any resulting structural stability/subsidence issues that the removal of the roots may result in, these matters are outside the control of planning and planning legislation as they are dealt with by Building Control legislation. Therefore, the stability of the structure and impact that the tree roots may have on this are dealt with at this stage of the development, and are not a material planning consideration.

4. Other matters

It is noted that several of the objections referred to the original planning permission for the development and in particular an Informative attached to the permission. The Information states;

'The future occupiers of the dwellings hereby permitted are advised that in view fo the limited garden depth available to the properties, it is unlikely that they will be suitable for extension in the future'.

However, this is purely an advice note and would not stop an applicant submitting a planning application for an extension to a dwelling house. Now that an application has been submitted, it needs to be assessed on its merits, as is the case for all planning applications.

There are also several objections relating to the covenants on the property and their restrictions in terms of seeking consent for alterations, causing disturbance and maintaining access to shared areas. Covenants are not a material planning

consideration. They are a legal restriction between the parties entered into them and if they are breached, it is for the parties of the agreement to resolve the matters. Following on from this, there were also objections to the issue of construction vehicles and building materials restricting access or causing disturbance. Again, this is not a material planning consideration for a household extension and should issues arise they would need to be resolved through either the covenant, or other civil action - in the event that trespass occurs.

References were also made to the future deliveries of oil to the site, as the tank is apparently located in the rear garden. This is also not a material planning consideration. How deliveries are made, and whether they are done in a safe manner would be the responsibility of the oil provider and the applicants themselves.

Human Rights Act

Based on the information provided there are no known issues raised in the context of the Human Rights Act and as such there would be no relevant implications.

Equality Act

Based on the information provided there are no known issues raised in the context of the Equality Act and as such there would be no relevant implications.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers JPT/GOOD/0613/001.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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