

The Application:

The application seeks planning permission for the erection of a detached dwelling and garage in the rear garden area of the plot. The dwelling would be one and half storeys high, with front facing dormer windows. The dwelling would have three bedrooms, two on the first floor and one on the ground floor that would facilitate disabled use.

The garage is free standing and located to the rear of the proposed dwelling house.

Access to the property will be via a driveway to Church Road that will run along the western boundary of the site.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 7 - Requiring High Quality Design

Core Strategy and Development Management Policies - North (2009)

CS1 - Development Strategy

CS2 - Developer Contributions

CS14 - High Quality Development

CS15 - Heritage

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

DM13 - Heritage in Development

Supplementary Planning Guidance

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

DS1 New Residential Development

Planning Obligations SPD (2009)

Henlow Conservation Area Appraisal (2009)

Planning History

MB/13/00302/FULL Erection of chalet bungalow

Withdrawn

MB/96/01390/FA Conservatory to rear

Approved: 27.11.1996

Representations

Henlow Parish
Council

No response received.

Henlow Village
Design
Association

Objection -

- Long access driveway, unsuitable for emergency use;
- Existing and proposed driveways would dominate street view;
- Tree survey identifies a number of issues and does not include current house plan or any detail of proposed planting on south or west boundaries which should be mandatory;
- Lower lying neighbours could be put at risk and there should be adequate safeguards in place to mitigate against any land slippage.
- Proposal does not comply with Design Supplement 1, p24 Boundary design and access for deliveries; Building line - too close to surrounding properties resulting in lack of privacy, minimal garden area and amenity space, overlooks properties; Characteristics - prefer smaller development with shared access; Plot - loss of existing trees, insufficient detail of replanting.

Neighbours
(Six responses)

- Drawings are incorrect, footprint of 2 Jordan Close is too small and therefore the relationship with 2 Jordan Close is wrong. No indication of the change in ground levels.
- Non-compliance with Design Guide - DS1 and DS4. - Inadequate distance between rear of one property and front of another.
 - Development should not take place at expense or loss of positive aspects of character of street scene, or area as a whole, or unacceptable loss of amenity of the original house on the plot or its neighbours.
 - Within a conservation area
 - New development should avoid dominating existing building and have a sense of place and not be a road dominated development.
- Window in 1st floor, directly overlooking 2 Jordan Cl and rear garden space and adversely impacts on other properties in Jordan Cl and Park Lane.
- New design includes two front facing dormers as opposed to previous veluxes. Windows now look at a small angle into bedroom of 2 Jordan Close. Also look directly at rear of 16 Church Rd at a distance far less than 21m. A single storey rather than chalet development would remove these issues.
- A large part of the current site which is laid to lawn and garden, will be covered by access roads and parking. The roads severely encroach on No. 16.
- The proposal has minimal garden and amenity space due to overlarge footprint of the site.
- Out of scale and overdevelopment, new dwelling would dominate the plot.
- Concern over cutting down mature cedar tree in garden. It is

main feature of the local area and should be protected by the Tree Preservation Orders that operate in the village. Its importance has been downplayed in arboricultural report.

- The applicant's plan shows new access running very close to western side boundary. The access road will place very substantial additional static and dynamic loads on the embankment for which there is minimal current retention. Some retaining walls are in place to protect No. 2 Jordan Cl but these would not have been designed assuming a vehicular access running along the edge of the embankment.
- A condition should be included on any approval to require an independent structural survey of the development's impact on the western embankment to be completed before the commencement of any works, to be submitted to the planning authority for approval.
- The increase in hard paved areas represents a massive increase in the potential for surface water to run down the western boundary and affect properties in Jordan Close. Condition should be included on any approval to ensure surface water is contained within the site.
- Concern about level of infill in Henlow, resident could move elsewhere rather than destroy vista.
- Church Road is a busy road, development would mean another access joining on to a narrow stretch.

Consultations/Publicity responses

CBC Highways No objection, subject to conditions.

CBC Trees and Landscaping No objection, subject to re-locating the driveway and conditions.

CBC Conservation No objection, subject to conditions.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Character, streetscene and appearance
3. Neighbouring amenity
4. Trees and landscaping
5. Parking and highways
6. Planning obligations
7. Other matters

Considerations

1. Principle of development

The site falls within the Henlow Settlement Envelope, where Policy DM4 (Development within and beyond settlement envelopes) states that the principle of residential development will normally be acceptable. Henlow is indicated as a Large Village, where small scale housing is encouraged provided it is commensurate with the scale of the settlement. However, the site (rear garden of No. 16) means that the proposal would be 'infill development' (small scale development utilising a vacant plot). On these sites, Policy DM4 states that this type of development should continue to compliment the surrounding pattern of development.

It is noted that there are several examples of 'infill' or 'backland' development in the local area, most notable Jordan Close to the immediate west and Sparksfield to the south. Jordan Close comprises three dwellings, two of which are located to the rear of dwellings in Church Road, and was approved in 1995. Sparksfield comprises 6 dwellings and was approved in 1986. As such the local area is characterised by a number of backland plots and this proposal would not be out of keeping with the surrounding pattern of development.

Design Supplement 1 (New Residential Development) of the Design Guidance also acknowledges that there may be a general justification for utilising underused land for housing, it reinforces the notion that the character of the area, in terms of plot coverage, landscape, building heights, privacy etc should be respected in the layout of new development.

Therefore, it is considered that the residential development of this plot is acceptable in principle, subject to detailed consideration of the layout and access, which is discussed further below.

2. Character, streetscene and appearance

The application site is located within the settlement envelope of Henlow and a predominantly residential area, with St Mary's Church and a playing field located to the north. In terms of the character of the area, as mentioned above, backland development is not out of keeping in the local area with several examples in close proximity to the application site. The site is within the Henlow Conservation Area and as such regard needs to be given to the impact that the proposal will have on the character of the conservation area. No's 16, 16A and 18 and the dwellings in Jordan Close are not positive buildings that contribute to the character of the conservation area, however they are neutral, background houses. No. 14 is a good example of an Arts and Craft style dwelling.

Though this part of the conservation area is relatively sensitive, the site for the proposed 1 and a half storey dwelling is tucked away in a backland location to the rear of No. 16 and thus would not have an especially significant impact on heritage assets in terms of paragraph 134 of the National Planning Policy Framework. That being said, the development should still be of a high standard of design. The amended design (from the initial application) is now acceptable, and has been modelled on the existing 1 and half storey dwellings to the west, in Church Road. The proposed dwelling will need to be constructed in suitable conservation materials. Conditions are to be imposed to ensure that acceptable materials are used.

The dwelling will be of a scale and appearance commensurate with surrounding dwellings, and the proposed plot sizes for the new dwelling and No. 16 will not

be dissimilar to those in the surrounding area.

Concerns have been raised about the increase in hard surfacing to the front garden area as a result of the access. Whilst it is appreciated that additional hardsurfacing will be required, subject to appropriate materials, this is not considered to be harmful to the character of the conservation area or the streetscene.

3. Neighbouring amenity

Relationship between proposal and No. 16

The proposed dwelling has been sited in the rear garden of No. 16 and as such regard needs to be given to the resulting amenity of the existing dwelling. It is noted that No. 16 benefits from a rear conservatory that is not shown on the submitted plans. The conservatory is located in the south west corner of the dwelling and projects roughly 1m further than the existing rear projection.

The proposed dwelling has been sited so as to allow a 21m distance between the front wall of the new dwelling and the rear wall of No. 16, this would be reduced to around 20m from the conservatory. The design guidance requires a 21m separation distance between first floor windows and this has been achieved. The slight reduction of this distance between the dwelling house and the conservatory is considered acceptable as the reduced distance would be for less than 3m, which is the total width of the conservatory.

No 16 will be provided with a 12m x 15m rear garden, a total area of 180m². This is considered a significant sized garden and is well above the recommended 50m² - 100m² given in the design guide. It is also larger than many of the surrounding gardens, particularly to the south of the site. As such is it considered that ample amenity space for the occupiers of No. 16 has been retained.

The new access will be located adjacent to the side flank wall of No. 16, which has two ground floor windows in the flank wall and the conservatory. Therefore regard should be given to the potential loss of privacy and noise and disturbance to the existing dwelling. The ground floor windows are small, secondary windows and as such will not be unduly affected by the siting of the access road. Boundary fencing may be required in order to ensure privacy from within the conservatory, but conditions requiring these details can be imposed. In terms of noise and disturbance, the erection of one dwelling is not expected to generate a significant number of car journeys, and as such it is considered that the erection of boundary fencing would ensure that any noise and disturbance would resulting from car journeys would be successfully mitigated.

As such, it is considered that the outlook, light, privacy and general amenity of No. 16 will be protected and that the proposal is in accordance with the guidance contained in the Design Guide.

Relationship between proposal and surrounding dwellings

The proposed dwelling is considered to have the biggest impact on the adjacent dwellings, No. 16A Church Road and No. 2 Jordan Close.

The dwelling has been sited 2m from the side boundary of No. 16A and as such will be clearly seen from the rear of this property. The proposed dwelling will be 18m (corner to corner) from No. 16a, however is offset so that direct overlooking will not occur. A window is proposed in the side flank wall, however the plans have been amended to sure that this window will remain obscure glazed and fixed shut, which will also be controlled by condition.

The proposal will result in a 7m long wall, 2m from the side boundary with No. 16a, to a height of 7.8m and as such regard should be given as to whether this will be overbearing when viewed from No. 16a. However given the separation distance from this dwelling, and that the wall is a gable end and therefore only reaches 7.8m at its peak, and reduces in height to either side of the ridge, the impact is considered acceptable. The dwelling will not result in a loss of outlook or light to the property.

The dwelling has been sited 6m from the boundary with No. 2 Jordan Close, with the garage 1m from the boundary. The submitted plans do not show the two storey rear extension on No. 2, which was approved in 2009. The two storey rear extension extends 5m from the rear wall of No. 2, bringing the rear wall of No. 2, to within 3m of the side boundary. It is also noted that the ground level of No. 2 is approximately 3m lower than the ground level of the proposed dwelling. Given the proximity of the two dwellings and the change in ground levels, regard needs to be given to the privacy, light and outlook of No. 2.

With regards to privacy, the front wall of the proposed dwelling, is roughly in line with the rear wall of No. 2, meaning that there can be no overlooking between the front windows of the proposed dwelling, and the rear windows of No. 2. The proposed first floor window in the side wall has been amended so as to be obscure glazed and fixed shut, which will also be controlled by condition. The driveway and garage will be sited close to the boundary, but given the existing boundary treatment (1.6m timber fence), it is not considered that there will be any loss of privacy as a result of future occupiers using the garage or driveway and would in any event be the same as the existing occupiers using their rear garden.

Given the change in ground levels, No. 2 is approximately 3m lower than the proposed dwelling, meaning that the first floor of No. 2 is roughly in line with the ground floor of the proposal. The top of the first floor window of No. 2 is just visible over the boundary fence when standing in the application site. As such, the proposal will have an impact on No. 2, but consideration needs to be given as to whether the impact is so unacceptable as to warrant refusing the application.

There is scope for the proposed dwelling to be considered overbearing when viewed from No. 2. However, on balance, it is considered that the relationship between the two dwellings will be acceptable. With a separation distance of some 8m, combined with the difference in ground levels, views of the proposed dwelling will be limited when viewed from the rear garden of No. 2. Views will be possible from the first floor window however they will be offset by the separation distance and boundary treatment. It is noted that the proposal is located to the south-east of No. 2, however given the height of the proposed dwelling and its set back from the boundary, it is unlikely that there will be any significant loss of

light.

The proposed garage will be much closer to the boundary, but remain further from the rear wall of No. 2. The garage will have a wall height of 2.2m, with a ridge height of 3.9m, taking into account the 1.6m timber fence and the 1m setback from boundary the garage is not considered to have a detrimental impact on the amenities of No. 2.

Given all of the above, on balance it is considered that whilst there may be an impact on No. 2, it is not considered to result in harm to the amenity of the property and an acceptable relationship between the two properties would be created.

Amenity of proposed dwelling

The proposed dwelling house will have approximately 140m² of rear garden space, orientated to the south. The design guidance requires between 50-100m² and as such, ample space has been provided for a three bedroom dwelling.

4. Trees and landscaping

Concerns were raised in the initial application regarding the proximity of the proposed access drive to trees on the west boundary of the site, and this appears to be unchanged.

A comprehensive tree survey and Arboricultural Method Statement (AMS) has now been supplied that identifies all tree on the site, their location, condition and root protection areas, and as can be seen from the supplied survey plan these areas are considerably compromised by the access road.

Whilst it is noted that there are methods of constructing drives and paths within root protection areas of trees that in theory can be low impact construction and have minimal effect on the trees and these are acceptable within BS 5837 2012 Trees in Relation to Design, Demolition and Construction; these should really be a last resort and regard should be given to alternative solutions.

T2 Birch, T5 Beech, T8 Scots Pine and T10 Scots Pine are the trees of the best quality and therefore most important to retain, but which are also most likely to be affected. Both T8 and T10 are within 0.5m of the new access with T5 and T2 at approximately 2 metres.

It is considered that the best way to improve the situation is to utilise the extra 2m between the proposed access road position, and the house. This will effectively move the drive an additional 2m further from the trees. There is also scope to reduce the width of the drive by 0.5m to give extra clearance for the trees.

As such, revised plans have been sought that show the driveway relocated closer to No. 16, which will provide an additional 2m clearance space between the access drive and the existing trees. It is therefore considered that subject to conditions ensuring work is carried out in accordance with the submitted Tree Survey and Arboricultural Method Statement (AMS), the proposal is acceptable.

It is noted that objections have been received in relation to the removal of the

existing cedar tree in the rear garden. The tree (T15) is an early mature Atlantic Cedar. Historically this tree would appear to have lost a number of large limbs that have pulled out from the main stem, and as the tree matures further and increases in limb weight, this is likely to happen again. The tree has already had reduction work carried out on it in the past, to have weight removed from longer, lateral limbs. In order to retain the tree in a safe manner, particularly bearing in mind the proximity of the proposed new build, it would require regular reduction work to reduce the chances of further limb loss. The category rating on the survey is that of a C Category, as indicated in *BS 5837 2012 Trees in relation to Construction*, which is an assessment that the Council's Tree Officer agrees with. As such, there is no objection to the removal of this tree.

5. Parking and highways

The application proposes the erection of a three bedroom dwelling in the rear garden, with a new 5.5m wide vehicular access provided on the western side of the property. The driveway will serve the new property and also act as an egress for the existing dwelling. The new driveway will reduce to 3.0m in width after the initial 10m section.

The new driveway will terminate in a turning area large enough for use by ambulances and small service vehicles and will provide access to the three parking spaces and garage to serve the new dwelling. The retained driveway for the existing dwelling is long enough to park 4 or 5 vehicles. Thus the off street parking can be deemed compliant with the Council's parking standards.

Visibility at the proposed access is acceptable and conditions can be attached to ensure its continued provision.

A refuse day collection point will need to be provided closer to the highway boundary to avoid the need for refuse vehicles entering the site.

The proposed development is unlikely to have a material impact on the local road network once completed.

6. Planning obligations

New development like that proposed has implications on the capacity of local infrastructure. The Council's Planning Obligations Supplementary Planning Document (North) sets out contributions that would be required to mitigate those impacts. A Unilateral Undertaking has been submitted and agreed that demonstrates that financial contributions would be made to mitigate the impacts of the development in line with that document.

7. Other Matters

Stability of Embankment

An objection was received in relation the impact that the access road will have on the stability of the embankment, which runs close to the western boundary of the application site. A condition was suggested requiring an independent structural survey of the development's impact on the embankment.

Whilst the concern of the objection is noted, the issue of structural stability is not a material planning consideration and as such conditions requiring structural surveys could not be attached to any permission.

Surface Water

Objections have also been received in relation to surface water runoff as a result of the increase in hardsurfacing proposed. It is considered that conditions controlling surface water, and a requirement for it to be dealt with on site, will ensure that there will be no unacceptable impact arising from surface water.

Human Rights Act

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

Equality Act 2010

Based on the information submitted, there are no known issues raised in the context of the Equality Act and as such there would be no known 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 **No development shall commence unless and until details of the proposed materials to be used for the external finishes of the proposed**

dwelling, to include walls, roof, openings, rainwater goods and boundary treatments for the whole site, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved materials.

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 buildings, the visual amenities of the locality and the Henlow Conservation Area, in accordance with policies DM3 and DM14 of the Core Strategy and Development Management Plan (2009).

- 3 No development shall commence unless and until details of the on site vehicular areas have been submitted to and approved in writing to the local planning authority. The details shall include the materials to be used and arrangements for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The details shall be installed on site and thereafter retained.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, to protect adjacent properties from water run off, and to protect the visual amenities of the area, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 No development shall commence unless and until details of the junction of the proposed vehicular access with the highway have been approved in writing by the Local Planning Authority. No building shall 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, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 Prior to the commencement of the use, vehicle visibility splays shall be provided at the junction of the access with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.**

Reason: To provide adequate vehicle visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it, in accordance with policy DM3 of the Core Strategy and Development Management Plan (2009).

- 6 Prior to the occupation of the dwelling, a triangular pedestrian vision**

splay shall be provided on each side of the new access drive and shall be 2.8m, measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate pedestrian visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it, in accordance with policy DM3 of the Core Strategy and Development Management Plan (2009).

- 7 Prior to the occupation of the dwellings, details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority and thereafter provided on site.

Reason: To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 8 Prior to occupation of the dwelling, the first floor windows shown on the side elevations (east and west) of the proposed dwelling shall be permanently glazed with obscured glass, fixed shut and thereafter retained. No further windows or other openings shall be formed in the elevation.

Reason: To protect the privacy of the occupiers of adjoining properties, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 The (parking area) shall be constructed using a “no-dig” method of construction as outlined in Arboricultural Practice Note no.1 (Driveways close to trees).

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

- 10 The Tree Survey, Arboricultural Impact Assessment and Method Statement dated May 2013 and supplied with the application shall be made available to all relevant parties dealing with the development. It should be followed completely and in the order of process identified. Specifically that prior to **any** work being carried out on site the access driveway construction is to be completed and supervised by the arboriculturist and that all tree protection fencing and ground protection is installed as detailed in the Tree Survey, Arboricultural Impact Assessment and Method Statement (May 2013).

Reason: To ensure the ongoing health and longevity of these important boundary trees, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building hereby permitted shall be carried out, nor the provision of any building or enclosure, swimming or ornamental pool, without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the building in the interests of the amenities of the area, in accordance with policies DM3 of the Core Strategy and Development Management Policies (2009).

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1204/01 Rev D and 1204/02 Rev B.

Reason: For the avoidance of doubt.

Notes to Applicant

1. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
2. 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 Ampthill Road, Bedford MK42 9BA 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.
3. 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, P.O. Box 1395, Bedford, MK42 5AN.

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

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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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