

Item No. 11

APPLICATION NUMBER	CB/14/00077/FULL
LOCATION	2 High Street, Stotfold, Hitchin, SG5 4LL
PROPOSAL	Resubmission of approved Planning Application CB/13/00892 - New detached dwelling
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	17 January 2014
EXPIRY DATE	14 March 2014
APPLICANT	Mr McNeill
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in. Cllr Saunders - overdevelopment, impact on streetscene.
RECOMMENDED DECISION	Full Application - Approval recommended

Summary of Recommendation

The proposed bungalow would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Document: Design in Central Bedfordshire, a Guide for Development, 2010.

Site Location:

The site measures 0.2ha and lies to the rear of No. 2 High Street, Stotfold; a two storey detached pebble dashed dwelling with a plain tiled roof. The property benefits from a long back garden which will be approximately halved to create the application site.

The surrounding area comprises a church and civic/public buildings to the west, separated from the site by a public footpath that extends from High Street to the south of the application site. To the east and south of the site is existing residential development.

The Application:

Planning permission is sought for a detached two bedroom bungalow to be sited at the southern end of the site. Access to the bungalow would be from the High Street using an existing crossover and would run alongside the existing dwelling. Two parking spaces would be provided for the new dwelling along with a turning area.

This application follows a number of previous planning applications for a bungalow to the rear of No. 2. The difference between this and the previous applications is explained below.

RELEVANT POLICIES:

National

National Planning Policy Framework 2012

Central Bedfordshire Core Strategy and Development Management Policies (2009)

Policies DM3, DM4, CS1, CS2 and CS14 apply.

Supplementary Planning Guidance

Design Guide for Central Bedfordshire (Jan 2010)
Local Transport Plan - Parking Strategy

Planning Obligations Strategy (2009)

Planning History

CB/00892/Full 10/07/13	Detached dwelling. Revision to CB/13/00466. Granted
CB/12/04085/Full	Two storey rear extension to No. 2. Granted. 27/11/12
CB/12/00466/Full	Erection of one detached dwelling. Refused 09/02/12 ALLOWED ON APPEAL 10/09/12
CB/11/03668/LDCP	Lawful Development Certificate - Erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. Granted 25/11/2011
CB/10/03477/FULL	Full: Detached dwelling to the rear garden of existing house. Refused 12/11/2010 Appeal dismissed 07/03/2011

Representations: (Parish & Neighbours)

Stotfold Town
Council:

Stotfold Town Council objects to this application on the following grounds:

Although this is put forward as a re-submission of the application already approved under CB/13/00892 there are considerable changes to the style, shape and also position

of the proposed building between one and the other. The changes are substantial and therefore constitute a new, rather than resubmitted, application.

In the Design & Access Statement dated 9 Jan 2014 under Section 3 – Proposal:

In 3.9 the applicant states “the design and orientation of the dwelling has had to be changed because of the reduced width available to keep it within the current fence.”

This is not strictly true – Earlier Application CB/12/00466 was approved on appeal and was for a “conventional” style bungalow on the plot, within the boundary fence.

That application was superseded by Application CB/13/00892 where an enlarged bungalow moved further to the West was shown and was of the same “conventional” style as the previous approved application. The initial site layout plan submitted with App. CB/13/00892 was drawing ref. 1563/12/3, which showed the enlarged bungalow sited within the existing boundary fence.

Before the application was submitted to the Development Committee this site layout plan was replaced by revised drawing ref. 1563/12/3B. On this the bungalow remained the same size and design but was moved further to the west of the plot by around 1.6 metres so as to extend beyond the property fence and fully over the footpath. It was due to this amendment that the dispute by Stotfold Town Council over ownership of the footpath land referred to in 3.7 / 3.8 came about and remains to be resolved after the RICS Neighbour Dispute Team give their opinion on the legal boundary line of the property which will also confirm the definitive line of the footpath.

By reference to these previous applications / drawings submitted it can be demonstrated that there was no urgent requirement to change either the design or orientation of the building since drawing 1563/12/3 shows that the enlarged “conventional” bungalow already fitted adequately in virtually the same position.

We consider that the revised style of building design, although single rather than two storey, reverts back to the style already rejected as unsuitable for the site by CBC under application CB/10/03477/FULL and should be rejected for the same reasons.

In 3.3 the applicant states, “The starting point for this application is the lawful development certificate that was granted on 25th November 2011 under application CB/11/03668/LDCP.”

In fact there had been a previous submission by the same

applicant in 2010 for a detached dwelling on the same plot of land under ref. CB/10/03477/FULL.

This application was refused by Central Bedfordshire Council as contrary to several points of Policy DM3, including the design, which was similar in style to the latest bungalow proposal. A subsequent Appeal by the applicant failed, to be followed by application CB/11/03668.

Policy DM3 states; All proposals for new development, including extensions will:

Be appropriate in scale and design to their setting.

Contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.

Respect the amenity of surrounding properties.

Provide adequate areas for parking and servicing.

We consider that the proposed dwelling, by virtue of its design, is not in keeping with other residential dwellings in the vicinity. The design comparison (Appraisal 4.2) is being made with reference to the neighbouring 1960's Simpson Centre, which houses Stotfold Town Council offices and the Town Library and could be classed as of 'commercial' design, this is the only single pitch roof building in the area. The existing house and its neighbours along the High Street to the east or in The Mixies to the south would be a more suitable reference.

The proposal would have a detrimental effect on the character and appearance of the surrounding area. It will cause significant harmful effects on the living conditions and amenity of adjacent dwellings, particularly No.4 High Street, with particular regard to outlook, privacy, noise and disturbance.

Although the application appears to comply with current CBC parking standards, as an off-road, back-land development with relatively poor access there is no apparent provision for visitor parking on site.

We express our concerns regarding disposal of sewerage and general drainage from the site. Due to the surrounding topography with the High Street main drains and neighbouring properties being much above the development site it will not be possible to rely on gravity disposal systems. Has this been sufficiently considered and addressed as part of the overall design?

Although not strictly a planning consideration we must reiterate our comments made on some previous applications that the applicants site drawings submitted with the application are, in our opinion, showing misleading information regarding the property boundary to its western

side and therefore land ownership details. Refer to Design & Access Statement document sections; 3.6 to 3.8 for some clarification.

We must suggest that the CBC Rights of Way Officer be consulted on this application.

Neighbours: Two objection letters received from No's 4 High Street, 173 Hallworth Drive.

Summary of objections

- Previous planning permission should be invalidated as it includes land outside the applicants control and Certificate A was signed.
- Cumulative impact of rear extension to No. 2 and the proposed bungalow should be considered. Together they will create a cramped impresssion.
- Overdevelopment of site due to the amount of people potentially living at the site resulting in loss of amenity due to noise, disturbance and vehicle movements.
- Lack of amenity space to serve new dwelling and existing, which would be a 5 bedroom house if the extension is built
- Design reflects the Simpson Centre, this design was dismissed at appeal by the Inspector.
- Design is out of character
- It would appear as a community building
- additional traffic using junction onto busy High Street.

In response to bullet point 1, the red line of the application site included all land within the applicant's ownership which extends over and slightly beyond the existing footpath. Land Registry title plans confirmed the extent of the applicants ownership. The correct certificates were completed and the application is considered to be valid.

Site Notice Displayed 27/01/14

Consultations/Publicity responses

CBC Highways In view of the history of this site I confirm that the highway authority have no grounds to oppose the development and recommend that conditions be attached if planning approval is to be considered.

No objection subject to conditions.

CBC Footpath: No comments received at time of writing report.

Determining Issues

The main considerations of the application are;

1. Planning History
2. Principle of development
3. Impact upon character and appearance of the area
4. Impact upon the amenities of adjoining properties
5. Highway safety and access
6. Other Issues

Considerations

1. Planning History

In 2010 a full planning application was submitted for a detached two storey dwelling on this site and refused by the Council on 9 September 2010. The decision was appealed and subsequently dismissed by the Planning Inspectorate.

Following the dismissal of the appeal, a Lawful Development Certificate was granted for the erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building.

A further application was then submitted for the erection of a two bedroom bungalow with access, turning area and parking. The proposed bungalow would be largely the same size and in the same location as the building approved under the LDC application. Prior to its determination an appeal was submitted. During the appeal the Council submitted evidence to the Planning Inspectorate stating that the proposal would result in a cramped form of development with little amenity space, which would be harmful to the character and appearance of the area. The appeal was allowed and the appeal decision and approved plans and Insepctors decision letter are appended to this report.

In coming to his decision the Inspector noted that while the proposed dwelling would be visible from the High Street between Nos 2 and 4, it would not have a materially different visual impact to the ancillary building approved under the LDC. Its size and height would not be intrusive or harmful.

The Inspector also noted that while the bungalow would be most apparent from the public footpath to the west where it would stand close to the boundary, the height of the building (4m), above the existing tall close boarded fence would not be dissimilar to the ancillary building, and would not be visually incongruous. The Inspector went on to say *"Moreover, due to the height of the fence, direct views into the site from the footpath would not be possible. For these reasons any differences in use between the two buildings would not be obviously apparent and the appearance and height of the appeal building would not be uncharacteristic or otherwise harmful."*

Application CB/13/00892 was in essence similar to the scheme granted on appeal and was approved by the Development Management Committee on 10

July 2013. In this proposal the design of the roof was altered, although it remained of the same height; the width of the dwelling was increased in size by just over 1m and in terms of siting, the proposed bungalow would remain up against the western boundary, adjacent to the public footpath. However the application proposed the realignment of the public footpath alongside the site and the repositioning of the boundary fence allowing the bungalow to have space around the building. There have been ongoing issues with the legal line of the public footpath adjacent to the side boundary of No.2 and disputes over the land owned by the applicant. The land appears to be owned by the applicant and it was agreed that the footpath could be realigned as part of application CB/13/00892. However following discussions with the Town Council, the Rights of Way Officer decided that the footpath should remain in its existing position, therefore application CB/13/00892 could not be implemented. The RICS Neighbour Dispute Service has now been engaged to give a ruling on the location of the legal line of the footpath and the site boundary. The approved plans for application CB/13/00892 are appended to this committee report.

This current proposal is still for a two bedroom detached dwelling however the design and orientation of the dwelling has changed. Access will remain as previously approved along with turning area and parking for two vehicles.

In terms of design, the bungalow now takes the form of a modern building with mono pitch roofs and sections of flat roof. The ridge height remains at 4m as per the previous approvals. In terms of footprint, at approximately 114 sq m the current proposal is larger than previous schemes which occupied an area of just under 100 sq m. The current application would be sited closer to the boundary with No. 4 (approximately 1.8m from the boundary): the previously approved scheme would be approximately 2.2m from the boundary.

2. Principle of development

The site lies within the Settlement Envelope for Stotfold and as such there is a presumption in favour of new residential development where there is no adverse impact on the character of the area, neighbouring amenity and highway safety.

The proposal is broadly the same as the previous development that was granted on appeal therefore the principle of the development has been established and therefore acceptable.

3. Impact upon character and appearance of the area

As previously discussed, the proposal is similar to the earlier schemes that have been approved by Committee and allowed on appeal. The current scheme proposes changes to the roofline and the inclusion of an area of flat roof. The overall height of the building remains at 4m which is the same as the bungalow previously approved.

The design of the dwelling would appear as a modern, mono pitched roof building with lower section of flat roof to the front. While the house design may

not be of a traditional appearance, a contemporary approach to design is not inappropriate particularly as the site does not lie within a designated Conservation Area. The two storey dwelling, dismissed at appeal, was also of a contemporary design. Paragraph 5 of the appeal decision notes that the two storey building would appear as an intrusive structure that would harm the street scene, the Inspector also said *"its design would be acceptable in the context of the varied designs of the surrounding buildings, including the Simpson Centre"*.

The view of the Inspector is a material consideration in the determination of this application and as the building similar in scale and height, its visual impact is not considered to be significantly different to previously approved schemes. While the design of the building may not be traditional, Paragraph 60 of the NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes or impose requirements to conform to certain development forms or styles.

Given the siting and height of the proposed dwelling, only the roof would be visible from above the fence line adjacent to the public footpath, therefore the building is not considered to result in harm to the character and appearance of the area. The proposal is therefore considered acceptable in terms of its impact on the character of the area in accordance with Policy DM3.

5. Impact upon the amenities of adjoining properties

The proposal is a single storey building and would not result in any loss of privacy to the neighbouring occupants.

In coming to the decision on the approved appeal proposal, the Inspector stated *"In this case, there would not be a similarly harmful effect (refers to previous appeal for a two storey dwelling) because the proposed dwelling is single storey. Furthermore as the Council indicates, any concerns in this regard could be addressed through a condition requiring a higher boundary fence than currently exists"*.

The current proposal proposes minor changes to the approved design in terms of additional windows, however as the dwelling is to be single storey and located to the rear part of the existing gardens, it would not result in a loss of amenity to the neighbouring property. The inclusion of high level windows in the mono pitch roofline would face the rear elevation of the neighbouring properties in the High Street. Given their height they are not considered to result in any adverse overlooking however the land towards the rear of the gardens slopes downwards No. 4 would be on a higher level than the bungalow and any fencing would not be high enough to act as a screen. In order to avoid any loss of privacy to the neighbouring property and the future occupiers of the dwelling they can be fitted with opaque glass as a condition if permission is granted.

Concern has been raised regarding the increase in vehicle movements to and from the proposed bungalow. With regard to noise and disturbance, when dealing with the appeal for the two storey dwelling, the Inspector stated that the manoeuvring of vehicles would cause a significant increase in noise and disturbance in an area expected to be a quieter part of the property. This was

based on the proximity of the vehicle turning area to the boundary with no. 4 and its raised patio area. However the size of the dwelling was reduced to a two bedroom bungalow where vehicle movements are considered to be less than a family sized dwelling. The previous planning approvals were for a two bedroom bungalow and were considered to be acceptable in this respect.

The rear boundary of the site is shared with 33 The Mixies. The proposal would not result in a harmful impact upon the property to the rear given the design of the proposed dwelling and the distance from the rear elevation of this neighbouring dwelling.

All other neighbouring properties are sufficiently separated from the site so as not to experience any undue loss of amenity.

As such the proposal would not result in any additional impact upon the amenities of the adjacent properties.

The proposal is considered acceptable with regard to its impact upon adjoining properties in accordance with Policy DM3.

6. Highway safety and access

As with the previous application, there are no objections to the proposal on highway grounds. The access is considered adequate and sufficient off street parking is provided to serve both the No. 2 High Street and the proposed dwelling to the rear.

Subject to the attachment of relevant conditions, the proposals is acceptable in this regard.

7. Other Issues

The application qualifies for contributions in accordance with the adopted Planning Obligations Strategy. A Draft Unilateral Undertaking has been submitted. Once a signed version is received the Undertaking is acceptable.

Human Rights/Equalities Act

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

Rear extension to No. 2 High Street.

Planning permission has been granted for a two storey extension to the rear of No.2. Given the size of the garden, even if the extension and the bungalow were constructed, there would be adequate space between the properties (25m) and sufficient amenity space for No.2 (approximately 104 sq m). Both of these figures comply with guidance contained with the Supplementary Planning Guidance: Design in Central Bedfordshire where it is noted that there should be 21m back to back distance between properties to avoid overlooking issues and

100sqm of garden space for a family sized property. The cumulative impact on the proposed dwelling and the two storey extension to No.2 is considered to be acceptable.

Conclusions

The proposed bungalow would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Document: Design in Central Bedfordshire, a Guide for Development, 2010.

Recommendation

That planning permission be granted subject to the completion of the Unilateral Undertaking and subject to conditions.

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 until a scheme has been submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 3 **No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme as approved shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the**

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document.

- 4 No development shall take place until details of the position, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. This shall include a boundary fence to a minimum height of 1.8 metres along the boundary with No 4 High Street. Development shall be carried out in accordance with the approved details.

Reason: In the interest of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 5 No development shall take place until details of the junction of the modified vehicular access with the highway have been submitted to and approved in writing by the local planning authority and the dwelling hereby approved shall not be occupied until the junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 6 No development shall take place until details of the final ground and slab levels of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the local planning authority. Development shall take place in accordance with the approved details.

Reason: To protect the amenities of neighbouring properties and the visual appearance of the area in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 7 No development shall take place until a scheme detailing access provision to and from the site for construction traffic and provision for one-site parking for construction workers, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the local planning authority. The scheme shall be operated throughout the period of construction work.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies

Document 2009.

- 8 Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the nearest edge of the carriageway of the adjoining highway.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 9 The dwelling hereby permitted shall not be occupied until the vehicular access shown on plan no. 201314/101 B has been constructed and surfaced for a distance of 8 metres into the site, measured from the highway boundary; and all on-site vehicular areas have been surfaced, all in accordance with details to be submitted to and approved in writing by the local planning authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 10 The turning space for vehicles illustrated on the approved plan no. 201314/101 B shall be constructed before the dwelling hereby permitted is occupied and thereafter retained for that use.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 11 The dwelling hereby permitted shall not be occupied until details of the bin storage and collection point have been submitted to and approved in writing by the local planning authority and provided in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 12 Prior to the first occupation of the building hereby permitted the high level windows in the front elevation of the building (Elevation A on plan 201313/103 A) shall be fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be retained thereafter. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, 201314/101 B, 201313/103 A, 201314/102 B

Reason: For the avoidance of doubt.

Notes to Applicant

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

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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Appeal Decision and approved plans for application CB/12/00466