

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

DM3 Amenity
DM4 Settlement Envelopes

Emerging Development Strategy for Central Bedfordshire dated 2013

Policy 4 Settlement Hierarchy
Policy 43 High Quality Development
Policy 38 Development in Settlement boundaries

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Design in Central Bedfordshire A Guide for Development:

Supp 4: House Extensions and Alterations
Supp 1: New residential Development

Planning History - relevant

Application Site

CB/13/04358/FULL Demolition of existing 2 bed bungalow. Erection of 4 bed detached dwelling.
Withdrawn: 6/02/2014.

126b High Street Clophill

08/00686 Change of use of existing fitness studio to residential use.
Granted: 9/06/2008.
(This permission has not been implemented and has expired).

128 High Street Clophill

MB/07/00660/FULL Two storey front/side extension and single storey rear extension.
Granted: 13/07/2007.

Representations: (Parish & Neighbours)

Clophill P C Objects on grounds that the bungalow was originally planned and accepted for this very narrow site for a retired elderly couple. What was approved and built was the maximum reasonable size for this plot. The Parish Council objected to the previous withdrawn application and the

same objections apply to this revised slightly smaller and repositioned dwelling. The house is too large and dominant and overbearing for this very narrow site. It is over development, damages the street scene and overpowers number 128. It intrudes unacceptably on the privacy of the neighbours on both sides of the site. The loss of a small bungalow and its replacement with an executive type home will continue to de stabilise Clophill which is presently a balanced community but has an urgent need for more, not fewer, small dwellings - as per the recent Housing needs Survey. Four and five bedroomed dwellings are currently available for sale in the village and there are also two planned developments of four and five bedroomed houses approved in the LDF. Those sites have sufficient space, unlike this one which is unnecessary. When 126A High Street was offered for sale offers were made including from residents. Ask that it be determined by the Planning Committee if officers are minded to approve.

Neighbours

A total of 11 letters of objection received from neighbours on either side of the site and other residents in the village and beyond:

Four sets of objection letters received from four occupants of number 126 High Street raising concerns regarding: why is a large property now needed on the plot, the house is too big and is to be squeezed onto the plot, the size and height are overbearing and will affect privacy of next door properties, will result in loss of light into the neighbours kitchen/breakfast/utility room as it is south west of the neighbours kitchen as well as to other windows facing this plot, will result in loss of privacy to first floor bedroom window of 126, there has been overdevelopment of the neighbourhood in recent times and this has generated parking issues making it difficult to exit driveways safely, this will be a large house wedged between 126 High Street and 128 High Street and is unnecessarily increasing the density of housing even further.

Objections from occupants of number 128 High Street Clophill on grounds that the proposed dining room/lounge side windows will remove infringe on privacy to occupiers of number 128 High Street when using their dining room and patio. These side windows are not needed. It is unlikely that four vehicles could be parked safely in the space to the front of the proposed house which will lead to highway safety. Exiting the access will be difficult and to the detriment of highways safety especially as cars park on the other side of the road to the site. Overlooking of neighbours rooms leading to loss of privacy. It is unnecessary to bring forward the front building line. 126

High Street will be overlooked by the windows in the side elevation at loft level. The side elevation windows are not required as there are ample windows in the rear of the property to provide for natural light for the new occupiers and this will help protect some of the potential loss of privacy that the current plans indicate. The house next door at number 126 is an iconic 'sideways on' house in Clophill and is an easily observed landmark visible from east and west approaches. The main frontage of the site should be kept as present ie about 3 metres back from that shown on the submitted plan.

Objection from owner of fitness centre regarding intrusion on privacy of clients using the fitness centre and will lead to the business being ruined.

Other letters of objection regarding there is a demand for bungalows in the village, concerned that if the bungalow is demolished that there may be problems with asbestos and ask that an asbestos survey be undertaken. The existing bungalow on the site would be ideal for the elderly parents of the occupants of number 126 High Street to live in. The amenity of number 126 will be totally destroyed.

App Adv

Consultations/Publicity responses

Highways Officer	No objections subject to conditions being added to any planning consent.
E.H.O.	No comment
Minerals officer	No objections subject to comments.
Archaeology Officer	No objections

Determining Issues

The main considerations of the application are:

1. Background and Policy
2. Size, Siting and Design in relation to the character of the site and the visual amenities of the area generally
3. Impact on amenities of neighbours
4. Access, Parking and Other Considerations

Considerations

Human Rights issues

There are no relevant issues under the Human Rights Act.

Equality Act 2010

There are no relevant issues under the Equality Act

1. Background and Policy

The site lies in the built up area of the village and within the Settlement Envelope where there are no objections to the principle of demolishing a bungalow and erecting a replacement dwelling in accordance with Policy DM4 in the Core Strategy and Policy 38 in the Emerging Development Strategy for Central Bedfordshire as long as various criteria are satisfied - in particular it must be of a size and design that is in keeping with the character of the site and there must not be an undue adverse impact on the amenities of neighbours.

A number of concerns have been raised about the removal of a modest sized two bedroomed bungalow and its replacement with a two storey house. Whilst these concerns are appreciated - (as there is undoubtedly a need for more bungalows in the area primarily for occupation by the elderly) - there are no policies in the Core Strategy or Emerging Core Strategy which would sustain an objection based on such grounds.

2. Size, Siting and Design in relation to the character of the site and the visual amenities of the area generally

The existing single storey, two bedroomed bungalow is of modest size and is set back from the road with its front elevation being further back from number 126 High Street to the west of the site and the front projection of the new house being in line with the main front elevation of number 128 High Street to the east. It fills much of the width of the site having a width of 9.7 metres (approx) at its widest.

The replacement two storey house is to have a width of 9.7 metres and a main depth of 13 metres - and this depth includes a single storey rear addition having a depth of 3 metres. It has a ridge height of just over 8 metres which is less than that of number 126 High Street but very slightly higher than the ridge of number 128 High Street.

It is to be sited on the site so that there is a gap of between 0.9 metres and 1.1 metres on the east side up to the shared boundary with number 128 High Street and a gap of between 1.2 metres and 2.3 metres up to the shared boundary with number 126 High Street to the west of the site. However, in view of the fact that the houses on both sides are not built up to the shared boundaries there will be a gap of at least 1.9 metres between the side walls of the new house and the side walls of number 128 to the east and a gap of between 3.5metres and 4.4metres between the side wall of the new house and number 126 High Street to the west.

It is to be built on the site so that its front elevation is in line with the front elevation of number 128 High Street. This front elevation will be set back so as to be half way down the side elevation of number 126 High Street

The house is to have most of its primary windows to the front and rear. There are to be three ground floor lounge windows to the lounge/diner facing towards number 128 High Street and one first floor en suite window which is to be fitted

with obscure glass. On the side of the site are to be ground floor windows to the lounge and one to the kitchen and a bedroom window at first floor level.

There is to be a block paved drive filling most of the front area of the site and the access to be widened to allow for the parking of three cars and vision splay provided

Ground levels are to be lowered where necessary to ensure that the house does not have a ridge height greater than the ridge height of number 126 High Street. Whilst this proposed house is large, (and certainly much larger than the bungalow that exists at present). The property would be set back into the site and retaining adequate separation distance from the side boundary. It is felt that it is not over filling the width or depth of the site and that its siting, size and design will be in keeping with the appearance of this part of the street scene which is in the main characterised by large detached houses. Number 128 High Street has recently had a large side and rear extension.

It is considered that it therefore complies with policies in the Core Strategy and Development Management Planning Document dated 2009 and policies in the emerging Development Strategy for Central Bedfordshire dated 2013.

3. Impact on amenities of neighbours

A main area of consideration is with the impact of the proposed house on the amenities of occupiers of the houses on both sides of the site, on the fitness centre to the rear of number 126 High Street as well as on other neighbouring properties.

Number 126 High Street to the west of the site has windows in its side and east facing elevation (which face towards the application site). The proposed house is to be sited so that it is just to the rear of two windows in this side elevation which serve a kitchen/breakfast area on the ground floor. These windows are at a distance of two metres (min) from the side wall of the proposed house. There will be minimal loss of outlook and light into these windows. The first floor and ground floor east facing windows situated towards the rear of number 126 High Street are fitted with obscure glazing so the potential for overlooking from the three proposed lounge/dining room windows and the kitchen door in the west facing elevation will be minimal. There is also a fence along this shared boundary and this may be raised in height to 1.8m/2m as part of the details to be submitted under the boundary treatment condition and this will assist in reducing any potential for overlooking from the proposed ground floor kitchen window in the front north west corner of the new house towards the east facing kitchen window of number 126 High Street, Clophill

The plans indicate that there is to be a window to bedroom four in the west facing elevation and there may be some limited potential for overlooking from this towards number 126 High Street. However, a condition is to be attached requiring that this window be fitted with obscure glazing to its lower half with top opening window.

There is a bedroom window in the east facing side elevation of this neighbouring property at number 126 High Street which faces towards the open front garden

area of the proposed house. The previous scheme of development provided for a first floor bedroom window in the front elevation of the proposed house on the side of it nearest to this neighbour and this bedroom window has been replaced by a bathroom window fitted with obscure glazing in this revised scheme. The occupiers of Number 126 High Street are of the opinion that there will be the potential for overlooking from front facing windows in the proposed house into their east side facing first floor bedroom window. However, in view of the fact that there is a distance of 11 metres (approx) between this bedroom window and the nearest first floor front facing window (excluding the bathroom window) loss of amenity by way of overlooking will be minimal.

Number 128 High Street on the eastern side of the site has no windows in its west facing elevation which face towards the east side of the proposed new house. It does have a number of rear facing windows at both ground and first floor levels and a patio to the immediate rear of the house. The new house would be sited so that it is generally in line with the front elevation of this neighbouring house and the proposed two storey element is further beyond the rear two storey element of number 128 High Street. The rear single storey, pitched roof element of the proposed house is to extend 3 metres (approx) beyond this neighbour's rear elevation. The occupants of this property have raised objections to the proposed house on grounds that the three side facing windows of the lounge/dining room are to face towards their rear patio area and that this will result in loss of amenity by way of overlooking into the dining room and onto their patio. The applicant has been requested to remove these three side facing windows (as they do have rear facing ones in the new house) but they have declined to do so. However, a condition is to be attached to any planning permission requiring details of boundary treatment to be submitted for approval and any boundary treatment must be of a height that prevents the potential for overlooking into this patio and dining area of this neighbour.

Whilst there will be some loss of outlook to the nearest bedroom window of this neighbour by way of the two storey element of the new house extending beyond the two storey element of 128 High Street, this would not be sufficient as to sustain a refusal especially in view of the fact that number 128 High Street is a wide house with a number of rear facing bedroom windows, is sited on the east side of the application site so there will only be loss of direct sunlight later on in the day and given that the new dwelling would not extend beyond the existing bungalow.

With regards to the impact of this house on the fitness centre to the rear of the site (which has the benefit of a personal permission restricting it to use by the present occupants of number 126 High Street, Clophill) this fitness centre is at a distance of 14 metres (min) to the rear of the two storey element of the proposed house. The fitness centre is single storey in height and has two large windows which face towards number 126a - at a slight oblique angle. There is a tall conifer hedge along the side boundary of this fitness centre and along part of its rear boundary. Whilst it is accepted that there may be potential for a very limited amount of overlooking from the first floor rear facing bedroom windows of the proposed house towards these windows in the fitness centre it is considered that loss of amenity by way of overlooking will not be sufficient as to withhold planning permission on such grounds.

The mobile home on Sealawn Cattery is at some distance from the proposed

house so loss of amenity to these occupiers by way of overlooking, loss of outlook and noise will be very minimal.

Whilst the occupiers of the properties on either side of the site have raised a number objections, as outlined above these have been given very careful consideration but it is felt that loss of amenity to them will not be sufficient as to sustain a refusal. Conditions are recommended to remove Permitted Development rights in respect of the insertion of openings or extensions to the property. This will further protect the amenities of neighbours.

4. Access, Parking and other considerations

There is an existing dropped kerb into the site and this is to be widened and most of the area to the front of the house is to be block paved to provide parking for three cars. The highways officer is of the opinion that the access does not need to be widened to 7.5m and that a width of 5m will be adequate. He is not raising any objections to the proposal provided that conditions are attached to any consent which requires a 5m width of access, provision of vision splays, surfacing of the parking area, and the retention at all times of the garage for the parking of cars. In view of the concerns raised by neighbours about the existing problems with parking on the roads near to the site (and how this results in difficulties in exiting the properties so either side of the application site) the highways officer remains satisfied that the access and parking arrangements to this application site are satisfactory and meet highway standards especially since this is an existing vehicular access.

The archaeological officer has advised that the site is located in the historic core of the settlement of Clophill and early mesolithic occupation in the form of a distribution of flint artifacts located at the junction of the valley of the River Flit and the lower slopes of the Greensand ridge were found in an archaeological investigation undertaken in advance of development at a property immediately to the west of the site. These are heritage assets with an archaeological interest as defined by the NPPF. However, the nature and location of the proposed development are such that there is unlikely to be a major impact on archaeological remains or on the significance of the heritage asset with archaeological interest. There are no objections to this application on archaeological grounds.

There are no significant trees on the site.

A Unilateral Undertaking has been submitted with the application in respect of the provision of contributions towards off site facilities such as education. This is in conformity with the Obligations Strategy.

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 take place until details of materials to be used for the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

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 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

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- The scheme approved in Condition 3 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the completion of the development. Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

- 5 **No building shall be occupied until the junction of the modified vehicular access with the highway 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.

- 6 Before the modified access is first brought into use, a triangular 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 foot way into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicants control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the accesses safe and convenient for the traffic that is likely to use it.

- 7 The proposed vehicular parking areas within the site shall be constructed and surfaced in a durable bound material before the premises are occupied . 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: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

- 8 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, unless permission has been granted by the Local Planning Authority on an application made for that purposes.

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.

- 9 Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

- 10 Prior to the commencement of development a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose. (See Notes to the Applicant).

Reason: To ensure the provision of adequate cycle parking to meet the

needs of occupiers of the proposed development in the interest of encouraging the use of sustainable modes of transport.

- 11 The refuse collection point indicated on the approved drawing no 100 Plan No 2 shall be fully provided prior to occupation of the dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 12 Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 13 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no further extension or alteration shall take place to the dwelling hereby approved without the prior approval by way of a planning consent from the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 14 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the east and west facing elevations of the building without prior approval by way of a planning consent from the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, gate or other means of enclosure shall be erected unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjacent occupiers and the character and appearance of the area.

- 16 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building is occupied**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 17 **Prior to the first occupation of the building the first floor window in the west facing elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and shall have a restriction on its opening. Details of the window shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 100/Plan No 1, 100/Plan No 2 and 25314

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the modified 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 on 0300 300 8049. 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.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
3. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority. If necessary further details can be obtained from Bedfordshire Highways (Amey), the District Manager (for the relevant area) via the Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes - July 2010"

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 early engagement with the applicant at the pre-application stage 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.