

## Item No. 8

<b>APPLICATION NUMBER</b>	<b>CB/14/01368/FULL</b>
<b>LOCATION</b>	<b>20 Spring Close, Biggleswade, SG18 0HL</b>
<b>PROPOSAL</b>	<b>Erection of new chalet bungalow with alteration to existing garage and parking</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>23 April 2014</b>
<b>EXPIRY DATE</b>	<b>18 June 2014</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs D Bourke</b>
<b>AGENT</b>	<b>Stephen Wood</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call in - Cllr Lawrence. 1 Contrary to Policy - on limits eg: boundary 3 Overdevelopment - Too large, bungalow is single storey. 4 Overbearing - Overlooks neighbour 7 Design - Compromise on many counts.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval Recommended subject to the completion of a Unilateral Undertaking.</b>

### **Reason for Recommendation:**

The proposal would not have a detrimental 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 and the Planning Obligation Strategy, therefore by reason of its size, design and location, is in conformity with Policies CS2 and 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 Design Guide: Design in Central Bedfordshire, 2014.

### **Site Location:**

The application site is a semi detached property at the end of Spring Close, a cul de sac of residential properties in Biggleswade. The property sits within a corner plot at the end of the hammer head of the cul de sac. To the rear lies the old cemetery of Biggleswade and there are residential properties either side.

### **The Application:**

Planning permission is sought for the erection of a 2 bedroom chalet bungalow linked to the existing dwelling at No. 20 Spring Close.

During the application process revised plans have been received reducing the proposal from a three bed dwelling to a two bedroom property.

The application follows a previous submission for a two storey, three bedroom

dwelling which was withdrawn by the applicant following concerns over the impact the proposal would have on the amenities of the neighbouring property given the height and siting of the property.

## **RELEVANT POLICIES:**

### **Core Strategy and Development Management Policies - North 2009**

CS1: Development Strategy

CS2: Developer Contributions

CS14 & DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

### **National Planning Policy Framework (March 2012)**

### **Supplementary Planning Guidance**

Design in Central Bedfordshire (March 2014)

Planning Obligation Strategy (2008)

### **Planning History**

CB/14/00473/Full                      Erection of a three bedroom two storey dwelling. Withdrawn  
**Representations:**  
**(Parish & Neighbours)**

Biggleswade Town                      Object to application as it would have an detrimental effect  
Council                                      on the neighbours causing loss of light and privacy.

Neighbours                                Four letters of objection received - summarised as follows:

Not much different to previous application. If the proposal went ahead, the roofline of the new building would only be slightly lower than the previously approved house and would therefore still adversely impact the open aspect of the neighbourhood and would still be significantly out of keeping with the existing symmetry of the cul de sac. In addition the new dwelling would still be likely to exacerbate the existing parking and access problems associated with the tuning area at this end of the cul de sac, especially at evenings and the weekends.

Out of keeping with area, all house are similar and this one will look odd. There are two garages between existing houses - there will be hardly any space between the proposed house and next door. Parking will be worse in street. Light will be affected that falls on side of property. Only has a slight reduced height that previous application.

Dwelling out of keeping with area. If goes ahead insist on designated parking for operatives and delivery vehicles which does not include blocking drive. construction hours should be limited to not commencing before 8am and finishing by 6pm and between 9 am and 1pm Saturdays and not on Sundays at all. Inconvenience parking and noise concern greatly.

Strongly object to application, submitted plans not consistent, side elevation does not illustrate the single storey section of building, plans refer to three bedroomed house, and not a chalet bungalow. The application has the same footprint as the original application no significant alterations have occurred. By reasons of close proximity to property there would be unacceptable level of overlooking and loss of privacy to first floor bedrooms, adverse impact on current levels of daylight. No 22 has acquired Right to Light as there has been a window opening for 20 years. Will affect our property from first floor and ground floor by overshadowing and will block light to two bedroom windows. Will over shadow dining area and block light to French windows, will also block light to large portion of garden. Proposed rear window will overlook decking area creating loss of privacy, For past 52 years property has not been overlooking. (HRA8 Right to a private life). There will be windows to the front which will affect the privacy of our upstairs front windows, dormer style windows are out of keeping. All existing properties have double garage scape between them, this will be reduced to 2m between the existing property and proposed. Concern over future use of flat roof area - this could be a balcony or terrace. There will be limited back gardens and the proposed property has no front garden which is out of keeping with the close. Concern over additional traffic. There is not enough space for three parking spaces. There will be additional vehicles parked on the road. On road parking outside the proposed property will be lost due to dropped kerb and new access. The additional property will cause further congestion. There will only be 2m between proposed property and our property -not clear from plans. Proposal does not comply with Policy DM3. It will have an unacceptable impact on living conditions.

## **Consultations/Publicity responses**

### **Highways**

I refer to the above full application for which you have requested my comments. I would advise as follows:

The application proposes the erection of a two bedroom chalet style building on land adjacent to No. 20 Spring

Gardens and is similar in highway terms to that submitted under withdrawn application CB/14/00473/FULL.

The existing property is a two bedroom dwelling with two garages to the side served via a wide forecourt driveway/hardstanding area. It is proposed to utilise one of the existing garages and part of the existing driveway forecourt to serve the new dwelling. Thus the new dwelling is provided with the recommended number of three parking spaces under the Council's recently revised standards.

The existing dwelling is shown to be served via the other existing garage and its forecourt together with a new parking space formed to the front of the dwelling, thus providing three spaces in total. However there is a discrepancy in the submitted plans, as there is insufficient room between the front of the existing dwelling and the footway around the turning area for a full length parking space to be provided clear of the highway; i.e. the front face of the existing dwelling is not set back 5m from the turning area. Therefore any vehicle parked in this proposed parking space would be caused to overhang the public highway which cannot be considered acceptable in highway terms.

However there is sufficient room in the garden area to the front of the existing dwelling for a full size parking space to be provided clear of the highway. I have therefore recommended a condition to secure this in order that there is appropriate provision of off-street parking to serve the existing dwelling.

The proposed development of an additional property has the potential to generate some 6 to 8 vehicle movements per day. It is considered that these can be satisfactorily accommodated on the local road network and the proposal is unlikely to have any adverse impact, once completed.

Therefore in a highway context I recommend that the following conditions be included if planning approval is to be issued:

- 1 Before the development hereby permitted is commenced, details of a scheme showing the provision of three off-street parking spaces to serve the existing/retained dwelling shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water

from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason:

To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 2 Development shall not begin until details of the junction of the modified/widened vehicular access with the highway to serve the new parking area have been approved by the Local Planning Authority and the new dwelling shall not 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.

- 3 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 purpose.

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.

- 4 Before development begins, a scheme for the secure and covered parking of cycles on the site to serve both dwellings (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.

## Reason

To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

## Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The effect on the character and appearance of the area
3. The impact on neighbouring amenity
4. Highway considerations
5. Other relevant planning considerations

## Considerations

### 1. The principle of the development

Policy CS1 lists Biggleswade as a Major Service Centre. Policy DM4 states that:

*Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre.*

The application site lies within the Settlement Envelope where proposals for new development will be considered acceptable in principle, subject to compliance with any other relevant policy.

### 2. The effect on the character and appearance of the area

The proposed dwelling would be located to the side of the existing dwelling at No 20. The existing double garage is to be split so that one side of the garage will be for No. 20 with the proposed dwelling partly constructed over the existing garage resulting in an integral garage for the new property. At single storey level the properties would be linked by the garage. At second floor there would be a space of around 3.5m between the buildings.

The proposed dwelling is designed to be a chalet style bungalow. The eaves are low at 2.5m and the overall ridge height would be 6.5m. Two bedrooms and a bathroom would be located in the roof space served by dormer windows, three to the front and one at the rear. At ground floor level, the proposal extends to within 900mm of the boundary shared with No. 22. The boundary is angled therefore at ground floor level a section of the proposed dwelling would have a flat roof and would extend 12.5m along the boundary. The first floor of the building would be set away from the boundary by 1m at the front and 7m at the

rear.

The proposed dwelling would provide two parking spaces on the frontage of the site and one in the garage, however the garage is below the recommended depth of 7m and therefore is not considered to be a parking space.

In terms of amenity space, the proposed dwelling would have a small garden depth of just 4m. However at 12m in width the overall rear amenity space would amount to approximately 48 sqm. Similarly the existing dwelling would also have a reduced amenity area resulting in a rear garden space of 60 sq m. While the garden depths are narrow, there are no neighbouring properties that back on to the rear of the site. The rear of the dwellings overlook the graveyard separated by a 1.5m brick wall and a number of mature and semi-mature trees including an ornamental horse Chestnut and Irish Yew. Despite the small gardens, the proposal is considered to have an acceptable amount of amenity space for a two bedroom dwelling. The Central Bedfordshire Design Guide (March 2014) advises that a 2 bedroom property should provide a private gardens space with a minimum area of 50 sq m however this is based on a garden width of 5m therefore a short fall of 2 sq m is not considered to be unacceptable in these circumstances.

From the front the proposed dwelling would be set back from the front elevation of the existing dwelling to sit in the corner of the street. It would be subservient to the existing dwellings given its ridge height would be 1m lower than No 20. It would clearly be visible within the street scene and would remove the existing space between the building at this end of the road, however as it would be tucked away at the end of the cul de sac, the proposed dwelling is not considered to result in a significant adverse impact on the street scene and therefore is compliant with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

### **3. The impact on neighbouring amenity**

The property primarily affected by the proposal is the adjacent dwelling No 22 Spring Close. No 22 is a two storey property to the side of the application site with the front elevation facing onto Spring Close. The property has been extended at single and two storey levels and sits within a large corner plot with generous side and rear gardens. The side elevation closest to the proposed development includes bedroom windows and patio doors and windows on the ground floor.

#### Privacy

The flank wall of the proposed dwelling is side on to the rear garden of No .22. There are no windows proposed that would overlooking the garden area. In the ground floor flat roof section of the proposal, a utility door is proposed however this would be screened by the existing 1.8m fence that runs along the shared boundary. There would be no loss of privacy to the side windows or garden area of No. 22.

A dormer window is proposed to the rear of the dwelling however this would be at an angle to the garden area of the No. 22 and well away from any windows. There would be no adverse loss of privacy from the rear dormer window.

The side extension of No 22 includes bedroom windows that face the front. The dormer windows in the proposed property would be located at a right angle to the neighbouring windows and in fairly close proximity (around 4.5m between closest windows). The proposed dormer window closest to No .22 would serve a bathroom and would therefore be obscurely glazed reducing the potential to overlook. While there would be some element of overlooking between the front elevation windows due to their location, it is not considered to be so significant that it would warrant refusal on loss of privacy grounds given that the front windows of No. 22 are within the public domain.

The proposal is not considered to result in a loss of privacy to an unacceptable level.

### Loss of light

The proposed dwelling would be located to the south west of No. 22 and it's garden area. The gable roof would be around 6.5m to ridge with low eaves and a side gable depth of approximately 12m. There would be an element of shadowing to the side elevation windows and a small section of the garden of No 22 towards the latter part of the day. However No. 22 has a generously sized garden which extends some 18m eastwards from the proposed dwelling and also wraps around the rear of No. 22.

While there would be an impact from the proposed dwelling given its siting to the south west, the impact would only be on the area of land immediately to the side of No. 22 close to the shared boundary. On balance it is not considered that the proposal would result in a significant loss of light such that it would adversely affect the living conditions of the neighbouring occupants. It is noted from site visit that there are a number of timbers sheds and structures adjacent to the shared boundary on the side of No 22 therefore much of the shadowing would be to these structures.

### Overbearing impact

The side elevation of the proposed dwelling would be sited close to the shared boundary. The ground floor flat roof section would be approximately 900mm from the boundary and would have an overall height of 2.9m. While visible above the existing 1.8m boundary fence, this section of the proposal would not result in any overbearing impact on the neighbouring property. The gable wall of the proposed dwelling would be set off the boundary by 1m at the front and 7m at the rear, due to the angle of the boundary. The main impact of the proposed dwelling would be near the front, where it is closest to the neighbouring property. The gable wall of the proposed dwelling would clearly have an impact on the neighbouring property given it's location, however the impact would be limited to the garden area and windows in the immediate area adjacent to the boundary. Given that No 22 has a large plot with gardens extending away from the proposed development, any overbearing impact is considered to be limited and therefore not considered to be so significant that it would warrant refusal on these grounds.



Overall, while there would be some impact on the amenities of No. 22, the impact is not considered to be significant such that it would result in harm to the living conditions of the occupants. Therefore the proposal would comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

Given the size of the site and the proximity of the proposed dwelling to the neighbouring property, it would be wise to remove permitted development rights for extensions, external alterations and outbuildings.

No other neighbouring properties affected by the proposal.

#### **4. Highway considerations**

There are no objections from a highways point of view subject to the conditions listed above. With regard to cycle parking, it is not considered reasonable to attach a condition requiring a single two bedroom dwelling and the existing dwelling to provide 9 cycle parking spaces between them. Each property has access to the rear and/or garage space therefore parking of cycles can be accommodated at the properties if required.

Concern has been raised from a neighbour relating to existing parking problems in the cul de sac. It is felt that the proposed dwelling would exacerbate the problem and lead to additional street parking at busy times. These comments are noted however adequate on plot parking has been provided for both the existing and the proposed dwelling, therefore a refusal reason could not be sustained on these grounds.

#### **5. Other relevant planning considerations**

##### Planning Obligation Strategy

The proposal qualifies for developer contributions under Policy CS2 and the Planning Obligation Strategy. A draft Unilateral Undertaking has been submitted for the full contributions sought however a signed version has yet to be submitted and approved by the Council's Legal Team.

##### Tree and Landscape

Along the graveyard boundary there are a number of mature and semi mature trees including an ornamental horse Chestnut and Irish Yew. These trees would be unaffected by any proposal for a building within the footprint shown.

There would be no objections to the proposal however some additional landscape detail could be sought via a condition, although obviously limited.

##### Human Rights/Equality Act 2010

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.

There are no further issues relevant to this application.

### **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 on site 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.**

- 3 **No development shall commence until details of the final ground and slab levels of the dwelling hereby approved has 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. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

- 4 **No development shall commence until full details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **boundary treatments;**
- **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.**

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 6 **No development shall commence until details of a scheme showing the provision of three off-street parking spaces to serve the existing/retained dwelling has been submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.**

**Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.**

- 7 **No development shall commence until details of the junction of the modified/widened vehicular access with the highway to serve the new parking area has been approved by the Local Planning Authority and the new dwelling shall not 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.**

- 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 purpose.

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.

- 10 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 or external alterations to the building hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the building and protect the amenities of adjacent occupiers.

- 11 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.

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

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 20SC/17, 20SC/12B, 20SC/13C, 20SC/15C, 20SC/16A, 20SC/11, 20SC/14.

Reason: For the avoidance of doubt.

## **Notes to Applicant**

1. 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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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.

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, Technology House, 239 Ampthill Road, Bedford MK42 9BD.

2. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

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

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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