

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/14/04852/FULL</b>
<b>LOCATION</b>	<b>Tree Tops, Heath Lane, Aspley Heath, Milton Keynes, MK17 8TN</b>
<b>PROPOSAL</b>	<b>Erection of detached two storey dwelling with access and garden.</b>
<b>PARISH</b>	<b>Aspley Heath</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Annabel Robinson</b>
<b>DATE REGISTERED</b>	<b>19 December 2014</b>
<b>EXPIRY DATE</b>	<b>13 February 2015</b>
<b>APPLICANT</b>	<b>Mr Inchbald</b>
<b>AGENT</b>	<b>AKT Planning+Architecture</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Wells “ Over development of an existing site, and objects to a decision to approve as infill. Also highway safety grounds, parking on site inadequate space for four cars to turn on site/on Heath Lane.”</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### Summary of Representations

The planning application is recommended for approval, the design of the dwelling although stylistically different to the traditional vernacular would be in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, CS1, CS2, CS5, DM4, DM13, CS15. It would not have a significant impact upon the residential amenity of any adjacent properties, the significance or the setting of the Aspley Heath Conservation Area and would result in a new development suitable for the location. It is considered that the design is in accordance with the Central Bedfordshire Design Guide and the submitted Development Strategy and National Planning Policy Framework.

### Reason for Call in

Called in by Councillor Wells

“Over development of an existing developed site, and objects to a decision to approve as infill. Also highway safety grounds, parking on site inadequate space for four cars to turn on site/on Heath Lane.”

### Site Location:

The site is located on the north western side of Heath Lane, which is a private residential road, accessed off Church Road. It is within the Green Belt Infill boundary and in the Aspley Heath Conservation Area. The site is the front garden area of an existing established residential property known as “Tree Tops”. There are mature trees, along the frontage, and the western boundary, shared with Old Heath House.

The site would be accessed by the existing residential access used for Tree Tops. The application site is some 0.12 Hectares.

### **The Application:**

This is a full application and is for the construction of one residential dwelling, and associated amenity areas.

The dwelling would be "L-Shaped" at its maximum dimensions it would measure some 15 metres in depth, by 13 metres in width. There would be a rear garden area of some 520 sqm, and space for 4 cars to park off street. The access would be shared with the dwelling known as Tree Tops.

### **RELEVANT POLICIES:**

#### **National Policy**

National Planning Policy Framework (March 2012)

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

- DM3 Amenity
- DM6 Infill Development within the Green Belt Infill boundary
- CS14 High Quality Development
- CS15 Heritage
- DM13 Heritage in Development
- CS1 Development Strategy

#### **Submitted Development Strategy for Central Bedfordshire 2014 (Submitted October 2014)**

- Policy 43 High Quality Development
- Policy 45 The Historic Environment.
- Policy 37 Development within Green Belt Infill boundaries.

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the submitted Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The Development Strategy was submitted to the Secretary of State in October 2014.

#### **Supplementary Planning Guidance**

##### Design in Central Bedfordshire A Guide for Development:

- Supp 5: The Historic Environment
- Supp 1: New Residential Development
- Supp 3: Town Centre and Infill Development

**Aspley Heath Conservation Area document dated 19/03/2008**

## Planning History – relevant

**Application:** Planning  
**Validated:** 27/03/1992  
**Status:** Decided  
**Summary:**  
**Description:** OUTLINE: ONE DWELLING

**Number:** MB/92/00430/OA  
**Type:** Outline Application  
**Date:** 23/04/1992  
**Decision:** Outline Application - Refused

**Application:** Planning  
**Validated:** 09/04/1981  
**Status:** Decided  
**Summary:**  
**Description:** OUTLINE: ERECTION OF ONE DETACHED DWELLING

**Number:** MB/81/00180/OA  
**Type:** Outline Application  
**Date:** 04/06/1981  
**Decision:** Outline Application - Refused

## Representations: (Parish & Neighbours)

Aspley Heath Parish  
Council

- The front garden of Tree Tops is not a vacant plot and therefore the proposed dwelling cannot be considered as infill as defined in DM6
- The proposed division of the garden of Tree Tops into two plots one in front of the other creates inappropriate 'back development'.
- The proposed dwelling is not appropriate in scale or design to its' setting as defined by DM3
- The proposed dwelling does not respect local distinctiveness through design and the use of materials
- Access to the site is inappropriate as it is via a shared single car opening onto Heath Lane.
- It is considered that there is inadequate manoeuvring space as well as parking in front of the property

Neighbours

25 objections received from residents local to the area:

Objections relating to:

- Design Concerns/inappropriate design
- Over Development
- Not Infill Development/Green Belt issues
- Highway issues
- Tree concerns
- Impact upon local infrastructure (schools, doctors etc)
- Impact upon residential amenity (light, privacy, shadow, visual impact)
- Impact upon the Conservation Area
- Loss of garden land
- The previous refusals for a dwelling in this location

1 letter of support:

I live and own a property on church road, and we have planning for our house which we will start this summer. I personally think that re modernising the properties in the area adds value and ensure the area is well maintained and looked after in the future. Therefore, I am all for the Tree Tops application.

App Adv

Representations included in neighbour comment section

### **Consultations/Publicity responses**

Highways Officer

This proposal for a detached dwelling is accessed from a private road over which the highway authorities have no jurisdiction and there will be no impact upon the public highway as a result of increased traffic generation.

In these circumstances the formal response of the highway authority has to be no objection.

Tree Officer

I have examined the documents relating to this application, and have no objections providing it can be confirmed that the existing driveway, serving the property of Tree Tops, is to be retained and not be modified or moved, as this could not be verified on the application plans.

Conservation Officer

Aspley Heath Conservation Area developed from squatter settlements on the Heath from the late 18 century. The area is characterised by cottages and villas of late 19th century date together with more contemporary 20th century houses. Heath Lane comprises of properties of different periods both fronting and set well back from the lane.

The lane has a rural appearance despite being lined with large houses due to its lack of pavements and mature hedging.

Tree Tops is a detached property sitting on large plot of land set well back from Heath Lane.

Pre application advice was given for alterations to the existing dwelling and the erection of a new contemporary dwelling to the front of the plot.

*Proposed new dwelling*

*Siting*

The new dwelling will be sited to the front boundary of the existing plot. The existing property Tree Tops sits well back from the lane entered via a long drive. The entrance to the property is flanked by Knoll Cottage to the east and Old Heath House to the west. Both these properties occupy plots fronting the road and therefore a new dwelling in a similar position is considered not to be detrimental or have a negative impact on the conservation area or the setting of a listed building.

Old Heath House abuts the west boundary and any new dwelling should be well set off from this boundary. There are no concerns regarding the proximity to Knoll Cottage as it would be separated by the drive. This drive must be maintained as the entrance to Tree Tops at all times.

The front boundary is currently well screened from Heath Lane and this must be retained as part of any development on this part of the site.

### *Design*

There is already an eclectic mix of style and periods of development in the conservation area. Aspley Heath conservation area is made up of Victorian and Edwardian dwellings as well as contemporary style dwellings. This design is considered acceptable in terms of its impact on the street scene and the character of the conservation area. Any new dwelling should make a positive contribution to the conservation area.

### *Scale*

The proposed new dwelling is a two storey unit which relates well to the street scene. The street scene contains houses of other two storey dwellings and this approach is considered acceptable.

In terms of the amount of built form the amount is considered acceptable. A reduction in the width would be welcomed but is not essential to gain support for the scheme.

### *Style and materials*

The conservation area already contains a variety of styles of architecture developed over a period of time, from Edwardian to contemporary.

Therefore there is no one period or style or palette of materials that is prevalent. The use of render, brickwork and timber cladding is considered an acceptable approach given the design of the dwelling.

The overriding factor when determining this proposal is that the new dwelling should be well designed, relate positively to the existing and neighbouring dwellings and make a positive contribution to the conservation area.

### Summary

The artist impression drawings submitted are considered to meet these requirements. Therefore in principle the application for a new dwelling in front of the existing Tree Tops is deemed acceptable subject to further design details, landscaping and high quality materials.

English Heritage

Do not wish to comment on the application

## Determining Issues

The main considerations of the application are:

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

## Considerations

### 1. Background and Policy

Background:

The site has been subject of planning applications in the past, planning applications for new dwellings on this site were submitted in 1981, and 1992, both planning applications were refused. At this time there was no Green Belt Infill Boundary, and the site was considered to be washed over by the Green Belt.

With regard to this current planning application design changes have been made, and an additional consultation period was undertaken. Following this consultation, concerns were raised from the Councils tree officer that the plans relating to tree protection and impact were inconsistent. Consequently the application was further amended, the garage removed, and the dwelling relocated further into the site. A full re consultation process was undertaken.

Policy:

The site lies within the Green Belt Infill Boundary of Aspley Heath, Policy DM6 of the Central Bedfordshire Core Strategy policy document states that the principle

of Infill development is acceptable in the defined Green Belt Infill boundary. Infill development can be described as small scale development utilising a vacant plot which should continue to compliment the surrounding pattern of development. Policy 37 of the submitted Development Strategy for Central Bedfordshire states that the Council will consider infill development acceptable in principle within the defined Green Belt boundaries and that particular attention will be paid to assessing the quality of development proposed and the likely impact on the character of the settlement and its surroundings.

Policy CS14 of the Core Strategy states that the council will require development to be of the highest quality by respecting local context, spaces and building in design... as well as focusing on the quality of buildings individually. Policy CS15 of the Core Strategy states that the Council will protect, conserve and enhance the integrity of the local built and natural environment. Policy DM13 of the Core Strategy and Development Management Planning Document states that planning applications for development within the Conservation Areas will be assessed against the Conservation Area appraisals and that inappropriate development will be refused.

The site has been assessed as a vacant plot, and would form frontage development, in keeping with the basic dwelling placement in the locality. Although garden land is defined as a green field site this does not prohibit their development in Green Belt infill terms. This development would not remove all the garden area from Tree Tops, nor would it leave Tree Tops with an uncharacteristically small or awkward plot, or limit parking for that dwelling house. The plot would be generously sized and inkeeping with the size of the plots within the locality.

In accordance with the National Planning Policy Framework, there is a presumption in favour of sustainable development.

## **2. Size, Siting and Design in relation to the visual amenities of the site and the area generally including the Conservation Area**

The dwelling would be located at the frontage of the site; this is bounded by large mature trees, so views of the proposed dwelling would not be prominent within the street scene of Aspley Heath. Views would be achievable through the existing access.

Within the Aspley Heath Conservation Area Appraisal it states:

“There is little stylistic cohesion between the buildings in the conservation area, with plots being developed by individual owners, rather than as part of a comprehensive scheme.... An eclectic palette of materials contributes to the diversity of the built development, with examples of ironstone, brickwork, timber framing, stucco render and plate glass, all addition texture and visual interest.”

It is considered when there is little stylistic cohesion, it is appropriate to explore architectural design that would add to the visual interest of the area. It is judged that the design may not be a pastiche recreation of other dwellings on Heath Lane, but draws on elements of the diverse material palette, including, brickwork, glazing, timber and render.

The large proportion of houses on Heath Lane are substantial detached dwellings, set in large plots, fronting the road some 10-15 metres back from the frontage. It is considered that this property would follow the general plot size and dwelling location of other properties within the area. It is considered that the mass of the proposed dwelling and location on the plot does respect the character of the area.

The Conservation Officer is satisfied that this is high quality design, which would add to the interest of the Conservation Area. It is judged that this would not result in harm to the Conservation Area; it would add to the diversity and interest of the immediate area and it is therefore in conformity with the National Planning Policy Framework 2012.

### **3. Impact on amenities of neighbours**

The site is between Tree Tops to the North, Knoll Cottage to the East, Birdwood on the opposite side of Heath Lane to the South, and Old Heath House to the West.

It is considered that the proposed development would not significantly impact upon the residential amenity of any neighbouring property.

Impact upon Light:

The dwelling would be sited roughly in line with Old Heath House, and Knoll Cottage. It would be set off the boundary by some 4 metres from Old Heath House, and 10 metres from the boundary with Knoll Cottage. The building would be some 8 metres from Old Heath House. It is considered that there would not be a significant impact upon the light to either of these dwelling houses or any neighbouring property. The height of the proposed dwelling would be similar to that of the adjacent properties, and with the mature landscaping, and distances involved, it is considered that the light into the dwellings and amenity spaces would not be significantly affected by this development.

Impact upon Privacy:

During the planning application, revised plans were received, following concerns raised regarding privacy. It is considered that the revised plans have addressed the privacy issues by removing clear glazed 1<sup>st</sup> floor windows from side elevations of the proposed property. It is noted that it is likely that views into the proposed patio area, will be achievable from Old Heath House, as there are 1<sup>st</sup> floor clear glazed windows within the north east facing side elevation of this property.

Impact upon outlook and the causing of an overbearing impact:

Due to the height, and placement of this property, it is considered that it would not cause an overbearing impact upon any adjacent residential property, or cause an overbearing impact.

Twenty Five letters of objection have been received the concerns are addressed below:



- Design Concerns

This matter has been considered in Section 2.

- Over Development

It is not considered that this would be over development of the site. It would result in 1 dwelling, on a plot that would measure some 0.12 hectares, resulting in a development of very low density. The garden area for the dwelling would be in excess of 470 sqm, which is significantly larger than the minimum standards set out within adopted Design Guidance.

- Not Infill Development/Green Belt issues

This matter has been considered in Section 1

- Highway issues

This matter is considered in Section 4

- Tree concerns

This matter is considered in Section 5

- Impact upon local infrastructure (schools, doctors etc)

This matter is considered in Section 6

- Impact upon residential amenity (light, privacy, shadow, visual impact)

This matter is considered above.

- Impact upon the Conservation Area

This matter is considered in Section 2

- Loss of garden land

This matter is considered in Section 1

- The previous refusals for a dwelling on this site

This matter is considered in Section 1

1 letter of support was also received; this related to the general improvement to the area.

#### **4. Access and Parking**

The site would be accessed from the existing driveway used for Tree Tops, this would become a shared access between the two properties and is from a Private Road, which is maintained by residents. It is considered that this development would not have a significant impact upon the Public Highway. Many neighbouring residents have raised concerns regarding the size of the road, and the possible parking along it. The site would be able to accommodate 4 cars within the parking area, and cars would be able to turn within the existing driveway, and leave the site in a forward gear. It is recognised that the road is relatively narrow, however it is considered that it is an established residential road, where if parking on site was provided, the development would not lead to a harmful highway issue.

#### **5. Trees and Landscaping**

The Tree Officer has raised no objection to the development, providing it is in accordance with the revised plans. A condition is suggested which would ensure tree protection formed part of the construction of the new dwelling house. It is considered that the Root Protection Areas of the existing trees on the site has been taken into account when designing the property, and providing the condition is adhered to the development would not have a significant or negative impact upon the existing trees on the site.

#### **6. Other Considerations**

##### **Contributions**

The development falls below the Central Bedfordshire threshold for requiring an element of affordable housing. The Ministerial Statement of 28 November 2014 set out the Government's new policy that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace). This is a material consideration of significant weight to be taken into account in decision-making on planning applications.

However, significant weight should also be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy 19 of the emerging Development Strategy for Central Bedfordshire is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals. It is considered that the proposal would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development, and with policy 19 of the emerging Development Strategy for Central Bedfordshire, therefore financial contributions are not required in this instance.

Neighbouring properties have raised concerns regarding stretched local services, for example the local school, however it is judged in this instance that seeking contributions on a site of this size would not be justified.

### **Human Rights issues**

There are no Human Rights issues

### **Equality Act 2010**

There are no issues under the Equality Act

### **Recommendation**

That Planning Permission be approved subject to the following;

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until the following details are submitted to and approved in writing by the Local Planning Authority and shall be carried out in full accordance with such approved details:**

- **Samples of materials to be used in the external finishes of the development hereby approved.**
- **Drawings of all new proposed doors and window to a scale of 1:10 or 1:20, together with a specification of the materials and finishes. Details provided should clearly show a section of the glazing bars, frame mouldings, door panels, the depth of the reveal and arch and sill details.**

**Reason: To ensure that the proposed development is carried out in a manner that safeguards the historic character and appearance of the Conservation Area.**

- 3 The dwelling shall not be occupied until a scheme has been submitted to the Local Planning Authority 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 buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.  
(Policy 43, DSCB)

- 4 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.  
(Policies 43 and 58, DSCB)**

- 5 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 extensions or alterations shall be carried out to the development hereby permitted without the prior approval by way of a planning consent from the Local Planning Authority and only the approved details shall be implemented.

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

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers A14-058-SLP001A, A14-058-PL500D, A14-058-PL100E, A14-058-PL300C, A14-058-PL200C, A14-058-PL600D; Design and Access Statement; Heritage Statement; Arboricultural Method Statement, 5339 FE TPP04, 5339 FE TL 03.

Reason: To identify the approved plan/s and to avoid doubt.

### **Notes to Applicant**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### **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 at the pre-application stage and 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.

