

## **Item No. 08**

<b>APPLICATION NUMBER</b>	<b>CB/15/01166/FULL</b>
<b>LOCATION</b>	<b>9 Bedford Road, Cranfield, Bedford, MK43 0EW</b>
<b>PROPOSAL</b>	<b>First Floor rear extension.</b>
<b>PARISH</b>	<b>Cranfield</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Morris, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>24 March 2015</b>
<b>EXPIRY DATE</b>	<b>19 May 2015</b>
<b>APPLICANT</b>	<b>Mr G Lines</b>
<b>AGENT</b>	<b>Mr D Swanston</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called to Committee by Councillor of Central Bedfordshire</b>

**RECOMMENDED DECISION** **Full Application - Granted**

### **Summary of Recommendations:**

The planning application is recommended for approval as the proposed first floor rear extension is considered to be in accordance with Central Bedfordshire Core Strategy and Development Management Policy DM3 and the Central Bedfordshire Design Guide. It will not have an adverse impact on the character of the property or on the amenities of neighbours.

### **Site Location:**

The application site is 9 Bedford Road in Cranfield. The site supports a 2½ storey mid terrace residential property having a pebble dashed finish. The property benefits from a loft conversion/flat roof dormer to the rear and single storey rear extension.

### **The Application:**

This application seeks permission for the construction of a first floor rear extension to accommodate a bedroom and bathroom with velux windows. A recent planning application under ref: CB/15/0212/FULL for an addition of greater depth (2.9m deep) was refused on grounds that the proposals would result in an undesirable and unacceptable form of development by way of having an adverse impact on the amenities of neighbours by way of loss of outlook and light to the occupiers of number 7 and 11 Bedford Road. It was therefore considered to be in conflict with planning policies in the Core Strategy and Submitted Development Strategy for Central Bedfordshire dated 2014.

### **RELEVANT POLICIES:**

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

7 Requiring good design

## **Central Bedfordshire Councils Core Strategy and Development Management Policies (2009)**

Policy DM3 High quality development

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

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014, after initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. Its status therefore currently remains as a submitted plan that has not been withdrawn and its policies carry weight in accordance with the NPPF. This also reflects the fact that its preparation is based on a considerable amount of evidence gathered over a number of years and is therefore regarded by the Council as a sustainable strategy which was fit for submission to the SoS.

Policy 43 High Quality Development

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.

## **Supplementary Planning Guidance**

Central Bedfordshire Design Guide – 7. *Residential Development* (2014)

## **Relevant Planning History**

MB/08/01650 Full: Single storey rear extension with pitched roof to replace existing flat roof – Approved 23.10.2008

CB/15/00212 Full: First floor bedroom/bathroom with velux windows above existing single storey extension.  
Refused: 16/03/2015

## **Representations: (Parish & Neighbours)**

Cranfield Parish Council Objects on grounds that is overbearing to neighbours, may set a precedent, loss of amenity by way of light and privacy, will make the dwelling into a three storey one, access for construction is via shared driveway, lack of parking space for a five bedroomed property. If officers are minded to approve request that it is brought to Committee.

Adjacent Occupiers 1. Occupiers of 11 Bedford Road: Object on grounds that will

result in loss of light into rear bedrooms and conservatory and access to the site is an issue. All building materials will have to be delivered around the rear of neighbouring properties to the site. This may lead to damage to neighbour's property. There is a tree near to the site so a tree survey is required. Lack of adequate on site parking. The construction work will create noise in conflict with the Human Rights Act.

1. Occupiers of 7 Bedford Road: Concerns about the gap between their addition and this proposed extension and how their roof will be safeguarded. (This has now been resolved)

### **Consultations/Publicity responses**

CBC Archaeology      No objections (previous application)

CBC Tree Officer      No objections (previous application)

Site Notice posted      30/03/2015

### **Determining Issues**

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area
2. The impact on the residential amenity of neighbouring properties
3. Any other implications of the proposal
  - *Tree Implications*
  - *Access Implications*
  - *Parking*
  - *Gap between 7 Bedford Road and the application property.*

### **Considerations**

#### **1. Effect on the character and appearance of the area**

The proposed development is to the rear of the property and therefore will not form part of the street scene. The property currently benefits from a flat roof rear dormer (constructed under Permitted Development rights) and a single storey rear extension. Planning permission was granted in 2008 to pitch the existing extension but to date this has not been implemented.

The recent application for a similar addition would have resulted in a two storey rear extension projecting 2.9m from the rear elevation and although not as high as the ridge line of the host dwelling it was to be 5.0m to eaves height and 6.4m where it met the dormer window. It was proposed that materials would match those of the existing host dwelling.

In view of the concerns raised about the potential impact of this addition on the amenities of neighbours the applicant has submitted this revised application

which has reduced the depth of the addition at first floor level by 0.7m. The ground floor that protrudes beyond this is to have a mono pitched roof.

It is considered that the proposed extension would not have an adverse effect on the character and appearance of the area and that it complies with the design guide on House Extensions and Alterations as well as policies in the Core Strategy and Development Management Planning Document dated 2009 and policies in the Submitted Development Strategy for Central Bedfordshire dated 2014.

## **2. Impact on the residential amenity of neighbouring properties**

The principal properties that may be affected by the proposal are no's. 7 and 11 Bedford Road. All other properties are well removed so as not to be affected.

The rear extension is proposed to be built very close up to the shared boundaries with both properties on either side. There is the provision for a first floor rear window to bedroom 4 and 2 no. velux windows - one to serve the bath/shower room and the other to be over new bedroom 4.

### Privacy Issues

The rear gardens to this row of terraces are long and linear and given that the proposed windows will have no greater impact on the privacy of the neighbouring properties, it is considered that there would be no significant loss of privacy.

### Overbearing Impact

The proposed first floor extension will extend 2.2m from the rear elevation so that it is set back from the rear building line of the current single storey extension. Although the side elevations are not abutting the shared boundaries they are close. The neighbouring properties both have single storey rear extensions but at first floor the large window in both of these neighbouring properties appears to serve 2 no. bedrooms therefore the window closest to the application site will have the 2.2m expanse of wall in close proximity. It is therefore considered that the proposed first floor extension would have an acceptable impact and would not cause demonstrable harm.

### Loss of Light

The proposed extension is located to the north of the host dwelling with no. 7 being to the west and no. 11 being to the east. When assessing the proposal against the Design Guide for Central Bedfordshire 45° rule (Section 7.04.05), it will now not create an overbearing visual impact in terms of bulk and proximity or result in overshadowing to the bedroom windows of both neighbouring properties.

## **3. Any other implications**

### Tree Implications

It was noted on site and by the representations received that there was tree near to the site and development area. The Tree Officer was consulted on this and raised no objections.

### Access Implications

The neighbouring property at no. 11 has raised concerns with regards to the access to the rear of the site during the building works. This issue is a civil matter and cannot be considered within the planning determination. The applicant would need to obtain the relevant permission from land owners to exceed any of their current rights to access their property.

### Parking Provision

Concerns have been raised by the parish council on the level of parking for the development as it would result in a larger four bedroomed house. The property currently is a 4 bedroom dwelling and appears that the only off road parking is to the front, which could accommodate up to 2 no. vehicles. It is considered that a further bedroom/study would not significantly impact on the current parking provision.

### Gap between number 7 Bedford Road and the application property.

The occupiers of number 7 Bedford Road have raised concerns about the gap of 114mm that will be left between the proposed extension and their property. There will also have to be an alteration to the roof of number 7 Bedford Road if the extension is built.

In view of these concerns the applicant has submitted a revised plan and sent an e. mail to confirm that he is to seal the ground floor cavity and then fill from above with a vermiculate type insulation poured down from above. He is to continue the wall for the first floor on top of the ground floor building. The top of the cavity is to be sealed with a lead flashing from the first floor addition to number 7's ground floor building and on top of this he is to instruct the company known as Rooftec to re do the fibreglass material that currently exists on both ground floor buildings and this will in turn keep up the 50 year guarantee to number 7's flat roof - as requested by the occupiers of number 7 Bedford Road.

The neighbour at number 7 Bedford Road raises no objections to the proposals provided that the above works are carried out. A Party Wall agreement has been signed between the applicant and neighbour. It is considered that the above matters are a civil matter and not material to the determination of the application.

### Human Rights

Concern has been raised by the neighbouring property that should the development take place, it shall contravene the right for them to enjoy their property peacefully. The Courts have indicated that the process of planning decision should not be overturned just because of the effects of particular decision on householders who already have rights to make representations to a

democratic body within the planning system. It is noted that any development may result in some level of noise and disturbance but this would also be the case if the development could be constructed under permitted development rights without the Council's permission.

Therefore, in the context of human rights there would be no relevant implications to prevent the development.

#### The Equalities Act 2010

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

### **Recommendation**

That Planning Permission be granted 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.  
(Policy 43, DSCB)

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number Drawing Number 3/C, CBC01, CBC02 and Drawing Number 1.

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

### **Notes to Applicant**

1. **Will a new extension affect your Council Tax Charge?**  
The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.  
Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant

transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax. If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.  
The website link is:

[www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx](http://www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx)

2. 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 prior to submission of the application and during the application 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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