

Item No. 08

APPLICATION NUMBER	CB/16/02496/FULL
LOCATION	72 Silver End Road, Haynes, Bedford, MK45 3PS
PROPOSAL	Double & single storey side & rear extension. Detached garage with hobby room over and associated parking.
PARISH	Haynes
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Nicola Stevens
DATE REGISTERED	10 June 2016
EXPIRY DATE	05 August 2016
APPLICANT	Mr Burnage
AGENT	Mr Clarke
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Barker - Change of character of garden area and impact to other properties - overdevelopment - overbearing, potential overlooking on houses opposite - highway implications, very narrow area which is surrounded by small housing settlement. Very old properties - Will be out of keeping, visual impact - no parking for construction vehicles
RECOMMENDED DECISION	Full Application - Approval

Reasons for Recommendation

The proposal would not have a negative impact on the character or appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies CS14, DM4 and DM3 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework (March 2012). It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

Site Location:

The application site is part of the rear garden of a semi detached dwelling located on Silver End Road in Haynes. The surrounding area is characterised by residential properties of varying size, age and design.

The rear garden of the property is largely overgrown and is bound on its south west flank by a dwarf laurel hedge. This hedge delineates the boundary between the older cottage style two storey terraced properties comprising of 70,68, 66, 64 and 62 Silver End Road. It is believed that the separated garden land directly to the rear

serves No 66. No 18 Rooktree Way also lies partly behind the site. No 74 to the side forms the other half of the semi-detached property.

The site falls within the Settlement Envelope. The dwelling is not a listed building and does not lie within a conservation area.

The Application:

The application seeks full permission for double & single storey side & rear extension. Detached garage with hobby room over and associated parking.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies Adopted November 2009

CS14	High Quality Development
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes

Central Bedfordshire Council's Emerging Development Strategy 2014

At the meeting of Full Council on 19th November 2015 it was resolved to withdraw the Development Strategy. Following this decision, no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF, and therefore will remain on our web site as material considerations which may appropriately inform future development management decisions.

Supplementary Planning Guidance

Central Bedfordshire Design Guide Adopted 18 March 2014

Planning History

Case Reference	CB/15/02829/OUT
Location	72 Silver End Road, Haynes, Bedford, MK45 3PS
Proposal	Outline Application: one new dwelling following demolition of existing dwelling.
Decision	Application Withdrawn
Decision Date	19/10/2015

Case Reference	CB/15/01732/OUT
Location	72 Silver End Road, Haynes, Bedford, MK45 3PS
Proposal	Outline Application: erection of a new dwelling
Decision	Application Withdrawn
Decision Date	30/06/2015

Case Reference	MB/06/00512/OUT
Location	Land Adjacent To 72, Silver End Road, Haynes

Proposal	Outline: Erection of 1 no. dwelling (all matters reserved except siting and means of access)
Decision	Outline Application - Refused
Decision Date	24/05/2006

Representations: (Parish & Neighbours)

Haynes Parish Council No comments had been received at the time of writing the report in relation to the revised scheme.

The Parish Council RESOLVED to object to this as it represented overdevelopment of the plot. The Planning Officer is requested to give due consideration to all representations from neighbours.

Neighbours
Site notice 30/6/16 No comments had been received at the time of writing the report in relation to the revised scheme.

7 letters of objections received from Nos 58, 62, 64, 76 and 80 Silver End Road, 18 Rooktree Way (& an unknown address), comments are summarised as follows:

- the proposed development is out of keeping with the host dwelling and character of the immediate area, the design of the extension and garage is overly large and contrived and should be redesigned, the garage would appear to be the equivalent size of a normal dwelling

- overdevelopment of the site

the adjacent cottages are of some historical significance, the design of the garage should take this into account in terms of height and have two garage doors instead

- concerned garage will be used for business purposes or an annex dwelling and not a hobby room

- concerned about issues of additional noise, disturbance and traffic, this includes the proximity of the driveway and additional comings and goings of vehicles and the hobby room over the garage

(no 62 states there is no fence to shield from car lights and noise/disturbance)

- concerned about adverse impact on adjacent Eucalyptus tree at No 74 and any damage caused to adjacent properties or visitors as a result. A tree survey should be undertaken.

- loss of light and privacy to adjacent properties

(No 62 says the height of the garage will lead to loss of light to its property)

(No 64 says the side window in the single storey extension will directly look into its rear window)

(No 18 Rooktree Way says the garage will back straight onto its patio area, be double height to the boundary resulting in loss of light and privacy and the right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the

Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life).

- damage to adjacent properties including foundations and subsidence (particular as the cottages have no foundations or brickwork footings) and sewerage system
- is there sufficient fire prevention/protection?
- will set a precedent for large scale schemes in this rural area
- lack of information on building finish, heights etc and the plans look incorrect given the width of the rear garden and rooflight missing on floorplan
- disturbance to garden wildlife
- if permission is granted suggest a condition the garage cannot be used for commercial purposes, how will cars turn on site? given previous attempts to gain a dwelling in this location a condition be attached that the outbuilding be ancillary to No 72

The above is a summary of the representations received. A full copy can be viewed on the application file.

Consultations/Publicity responses

Highway Officer	No comments received
Tree Officer	No comments received
EHO Officer	No comments to make

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Other issues

Considerations

1. Principle of development

The site lies within the settlement envelope of Haynes. Policy DM4 of the Core Strategy makes provision for the extension of existing properties provided they meet certain local plan criteria which will be assessed below.

2. Visual impact

The site consists of a two storey semi-detached residential dwelling constructed of painted render with small clay red/brown rooftiles (the other semi No 74 is facing brickwork). It has been previously extended with a single storey flat roofed extension linked to a pitched roof single storey element at the rear. It also has a small front porch.

Even though the extent of the application site has been reduced to reflect the size of the existing plot it remains a large rear garden flanked by a number of residential properties, including an older style terrace which runs in depth along the western boundary offset from the shared boundary by approx 1m and another terrace sited behind it and to the side of the application site set well back from the road.

This proposal is for a construction of a double & single storey side & rear extension. Detached garage with hobby room over and associated parking.

The two storey side extension would project out approx 2.6m to the side. The side/rear extension is designed with a staggered double gable at the rear. The larger gable end will have a pitched roof when viewed from the front. It would also have a small single storey porch to the front of it. As the extension will be located at the side of the property it will be clearly visible in the streetscene. Adopted Technical Guidance aims to ensure that extensions are subservient to the main dwelling and are not intrusive in the streetscene. Whilst the roof would not match the host dwelling, as the two storey side/rear extension is set well down from the main ridgeline of the dwelling and set back from the main front elevation it would be visually subservient.

Adopted technical design guidance states that side extensions can have a significant impact on the street scene. No 72 and No 70 within the terrace to the side are closest at the front with an existing gap of approx 4.6m at the nearest point which will be retained. The boundary of the application site is narrowest at its front and widest at the rear so the terrace tapers away from the dwelling of No 72 itself as it runs towards the rear. Whilst the proposed two storey extension would extend closer to the terrace than the existing dwelling a gap of approx 4.1m will be retained at its nearest point (separated by the 1m access strip on the north eastern side of the terrace and the host dwelling's own driveway) set well back from the road by approx 12.5m. As such the extension will be subservient to the host dwelling with sufficient space retained between Nos 72 and 70 Silver End Road given the relationship of the properties in this location. A small single storey open sided covered porch is shown to the side of the host dwelling and in front of the two storey side extension which will also be clearly subservient.

The single storey rear extension will replace the pitched roof element at the rear and extend further into the site by approx 4.4m (approx 7.1m in total). Whilst this does not match the host dwelling it is reflective of the flat roofed structure already on site to be replaced and is well set back from the road. Given the small scale nature of this part of the proposal and that it would be subservient and well set back it is not considered it will adversely affect the character and appearance of the area.

A detached outbuilding is also proposed to the rear. Following concerns about the height of the building the scheme has been revised. The double garage with

hobby room over will now measure approx 5.3m to the ridge (instead of 6m). A streetscene has been submitted to show that it is clearly subservient to No 62, as well as being subservient to the host dwelling itself. The revised block plan shows that whilst the width of the plot has been reduced it will still be slightly offset from the side and rear boundaries so no overdevelopment of the site will occur. It is designed with a pitched roof with a flat element at the ridge which gives it a larger scale and massing when viewed from the gable ends, however, it will be well set back from the road frontage and is subservient to the host dwelling and No 62 immediately adjacent to it and as such will not have a harmful visual impact in the streetscene.

Subject to matching materials it is considered the extensions and detached outbuilding would be visually in keeping with the host dwelling and will not have an unduly harmful impact on the character and appearance of the area in this instance.

3. Residential amenity

No 74 Silver End Road forms the other half of the semi-detached property and lies to the north east. The boundary between the properties appears slightly staggered midway through the rear single storey extensions of both properties. No 74 appears to have a first floor bedroom window on its main two storey rear elevation and a window and door on the rear of the single storey elevation with a open sided canopy beyond. There is an approx 1.7m high close boarded fence running along the shared side boundary. The two storey rear/side extension is designed with a staggered double gable the nearest to No 74 is stepped slightly off the boundary by approx 0.4m due to the chimney stack and is shorter in depth at approx 3.3m and 1.8m wide. The larger gable is stepped approx 2.3m off the boundary nearest the dwelling (approx 1.8m off where it is stepped at the rear) being a further 1.8m deep (total depth 5.1m beyond the two storey rear elevation). Whilst this will result in development of a greater scale and massing adjacent to the shared boundary than existing given its staggered design and pitched roofs sloping away from the boundary it is not considered that this will result in any undue loss of light, privacy or overbearing impact. The pitched roof attached store will be replaced with the single storey flat roofed extension which will project further to the rear of the single storey element at No 74 by approx 4.4m. Given this part of the scheme will be single storey with a flat roof it is not considered it will result in any undue loss of light or overbearing impact. A number of rooflights are shown in the flat roof but these serve the ground floor only. As the single storey extension would abut the boundary a condition could be attached to ensure its flank remains blank.

The existing dwelling has one first floor rear window. Whilst the extended dwelling will have two which will project further to the rear they will be directed over the applicants own rear garden and are not considered unacceptable in this residential context. Although it is acknowledged the nearest one to No 74 will be directed partially over its rear garden due to the kink in the boundary given the modest depth of the extension at this point and that it will be 5m off the shared boundary partially screened by the single storey pitched roof element at No 74 this is not materially different and as such acceptable. The back to back distances with No 18 Rooktree Way are in excess of 45m from those first floor windows. The distance from the edge of the two storey extension to the edge of the front elevation of No 62 is 20m and as noted above there is no direct outlook as it lies to the side of the site.

No 62 Silver End road does not face directly onto the application site being to the side, with its front elevation facing the blank side elevation of No 64. It has been extended with a two storey side extension which has a number of windows and doors on its side elevation serving either non habitable rooms or being secondary windows to main habitable rooms (the latter being to a kitchen and a bedroom). It is separated from the application site by its own driveway with a garage to the rear. The outbuilding will be sited approx 5.4m away from the side elevation of No 62 when measured from the front corner of the garage and front corner of the extension. Given its single storey eaves height of approx 2.8m and reduction in ridgeheight to 5.3m and its offset from No 62 it is not considered it will result in any undue loss of light or overbearing impact. A door to the garage is shown on the side. Whilst there is only a low hedge on the boundary this is not considered unacceptable in this residential context however the amended plans now show a 1.8m fence which can be conditioned.

It is understood that the land to the rear of the application site is garden land separated from No 66. Pedestrian access to that land appears to be to the side of No 62. No 18 Rooktree Way is a two storey detached property whose rear garden also partly borders the rear of the application site. The detached garage with hobby room over will be slightly offset from the side and rear boundaries. Given its reduction in ridgeheight and design with a pitched roof and its offset from the rear boundary of approx 1m and 4m it is not considered this will result in any undue loss of light or overbearing impact. Its rear elevation and roofslope are blank and can be conditioned together with no first floor windows in the flank elevations to ensure no undue loss of privacy. Whilst three rooflights are shown on its front elevation to serve the hobby room these will be directed towards the host dwelling and approx 19m to the single storey rear elevation and approx 26.5m from the two storey elevation of No 74. The outbuilding is sufficiently offset from No 64 by approx 9m that no undue loss of residential amenity will occur.

The terrace to the west is formed of four properties, Nos 64, 66, 68 and 70 Silver End Road with the latter being closest to No 72 itself. They all have ground and first floor windows on their rear elevations some serving main habitable rooms. No 70 has a ground floor lounge window (also served by one on the north and another on the west elevation) and a first floor bedroom window which is the only one serving that room. The first floor windows on Nos 64 and 68 are obscure glazed but it is unclear whether the one at No 66 is a bedroom. It is also unclear what rooms the ground floor windows at No 66 and 68 serve but the one at No 64 is a lounge window (also served by two windows on the eastern elevation). As the terrace is stepped off the boundary by approx 1m with a low boundary hedge they currently have direct views into the applicants rear garden. As noted above the nearest existing point is between the front elevations of Nos 70 and 72 at 4.6m. The two storey extension would be set back roughly in line with the rear elevation of No 72 but stepped 2.6m closer to the shared boundary resulting in development of a greater scale and massing. However its nearest point to the terraces would be 4.1m before tapering further away at the rear. Given the design of the extension with a pitched roof, its offset and the distances and relationships involved it is not considered that this will result in any undue loss of light or overbearing impact. The single storey flat roofed element is well offset from the shared boundary and this its impact will be minimal.

The front ground floor bedroom window will be at an obscure angle to the lounge window at No 70. The first floor bathroom window could be conditioned to be obscure glazed and restricted opening as annotated on the plan to ensure no undue loss of privacy to the first floor bedroom window at No 70. A new first floor landing window is proposed in the side of the host dwelling which would also need to be obscure glazed and restricted opening. A first floor bedroom rooflight is shown on the side but would be at high level. Whilst there would be three ground floor windows on the side serving main habitable rooms (there is already one serving a kitchen) nearer to the boundary than existing between approx 4m and 9m from the rear of the terraced properties the situation of overlooking between the properties already exists. However the applicant has indicated that a 1.8m close boarded fence will be erected along the side and rear boundary which can be conditioned and this will ensure no undue loss of privacy for neighbours.

Concerns have been raised with regard to the use of the driveway leading to the new garage in terms of noise and disturbance from additional comings and goings, noise should gravel be used for the extended driveway and turning area, light pollution from headlights. The driveway to the side of the house is existing and could be extended under permitted development. As the driveway and turning head will serve the existing property the comings and goings of vehicles will continue to be associated with one dwelling and as such will not be unreasonable. The applicant has indicated that hardsurfacing will be used for the driveway and this can be conditioned. In addition as noted above the block plan has been amended to show the erection of a 1.8m high fence along the side boundary which will fully screen the site from the adjacent terraced properties and can be conditioned. Concerns have also been raised about the use of the garage and hobby room leading to noise disturbance however this is not unreasonable given its residential context. The Environmental Health Officer has not objected to the proposal.

Concerns have also been raised that the garage will be used for business purposes or an annex dwelling and not a hobby room. Whilst the comments of neighbours are noted regarding a possible commercial use and associated levels of traffic, this application has been submitted as a householder proposal in association with the use of the main dwelling. Should a material change of use be proposed at a later date then that would need to be considered as a separate planning application. As the outbuilding is separate to the host dwelling a condition can be attached to ensure it remains ancillary in use.

No other surrounding properties will be unduly affected in terms of residential amenity due to the distances and relationships involved.

Despite the reduction in the size of the application site, and the footprint of the extensions and garage proposed together with parking area this is a large site and sufficient private amenity land will be retained.

4. Other issues

Although the comments of neighbours are noted a number of issues have been raised which are not planning considerations, being civil matters or covered by separate legislation.

Another comment is that this will set a precedent for large scale schemes in this

rural area however each proposal must be determined on its own merits and it is considered the site is sufficiently large enough to accommodate this scheme.

The Natural Environment and Rural Communities Act 2006 states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. The site is not a sensitive area under the NERC Act. No evidence has been submitted to show there is a protected species within the confines of the site. By considering the impact on biodiversity within this report the Council has complied with the The Natural Environment and Rural Communities Act 2006.

The tree at the rear of No 74 is not covered by a tree preservation order or a conservation area. Works to or which affect a tree that is not protected would not be a material consideration in terms of the determination of the planning application. The Tree Officer has not objected to the application.

Vehicular access is taken directly off Silver End Road and will be unchanged. This proposal will lead to an increase from two bedrooms to four, although one will be provided at ground floor level and could easily be converted to living accommodation. Sufficient hardstanding already exists to serve the extended dwelling. The proposal shows a double garage which will lead to additional on site parking. The revised block plan indicates the on site turning area and hardstanding materials proposed. The Highway Officer has not objected to the proposal.

As noted above, it is not considered that the development proposed will unduly harm the residential amenities of adjoining occupiers. Based on the information submitted there are no known issues raised in the context of the Human Rights/The Equalities Act) and as such there would be no relevant implications.

There are no further considerations to this application.

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 All external works hereby permitted for the extensions and outbuilding shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing host dwelling.

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 in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 The detached garage and hobby room over hereby permitted shall only be used as an annexe to the dwelling known as 72 Silver End Road Haynes MK45 3PS and shall not be occupied as a separate, self-contained dwelling unit or be used for commercial purposes.

Reason: To prevent the establishment of a separate residential unit in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the eastern flank elevation of the proposed single storey rear extension, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 The new first floor landing window in the existing side (western) elevation of the dwelling shall be –

- permanently fitted with obscured glass of a type to substantially restrict vision through them at all times, and
- shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the windows are installed.

Reason: To safeguard the privacy of occupiers of adjoining properties in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 The first floor bathroom window in the front (north) elevation of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the privacy of occupiers of adjoining properties in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 Before the garage with hobby room over is first brought into use, all on site vehicular areas as shown on drg no J4692-01D shall be laid out and surfaced in stable and durable materials (not loose aggregate) and provision has been made for the interception and drainage of surface water from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the rear (southern) elevation and roofslope of the proposed garage with hobby room over, or first floor windows in its flank elevations, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 The 1.8m high close boarded fence shown green on drg J4692-01D along the south western boundary shall be erected before the development hereby permitted is first brought into use and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 10 The final slab level of the detached garage with hobby room over hereby approved shall be constructed in accordance with the height set out on plan no J4692-04C. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers J4692-01D (site & location plan), J4692-02C (existing layout), J4692-03F (proposed layout), J4692-04C (proposed garage), J4692-05 (proposed roof).

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

INFORMATIVE 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.

2. **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:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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