

Item No. 5**SCHEDULE A**

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| APPLICATION NUMBER | MB/09/00251/FULL |
| LOCATION | LAND TO THE REAR AND SIDE OF 91, HIGH STREET, CLOPHILL |
| PROPOSAL | FULL: DEMOLITION OF EXISTING GARAGE, STORE, GREENHOUSES, BOILER HOUSE AND OUTHOUSE AND REPLACE WITH NEW DOUBLE GARAGE AND SINGLE DETACHED DWELLING WITH GARAGE. |
| PARISH | Clophill |
| CASE OFFICER | Mary Collins |
| DATE REGISTERED | 24 February 2009 |
| EXPIRY DATE | 21 April 2009 |
| APPLICANT | Mr & Mrs T J Palmer |
| REASON FOR COMMITTEE TO DETERMINE | APPLICANT EMPLOYEE OF CENTRAL BEDFORDSHIRE COUNCIL. ALSO AT REQUEST OF CLLR HAWKINS BECAUSE OF NEARNESS TO THE CHURCH WHICH IS GRADE II LISTED AND THE PERCEIVED EFFECT THE DEVELOPMENT WILL HAVE ON THE LOCATION AND ITS AMENITY |
| RECOMMENDED DECISION | REFUSE |

Site Location:

91 High Street, Clophill is a detached property which fronts the High Street. To the side/rear of the existing dwelling is a detached brick built garage. The plot is long and the site contains a number of derelict horticultural buildings, a derelict greenhouse and redundant boiler house and chimney. The site is next to the Grade II Listed Church and is partly within the conservation area.

This part of Clophill is characterised by development close to and on the pavement edge with boundary walls providing a sense of enclosure. There is little backland development.

The application

Planning permission is sought for the erection of a single detached dwelling with double garage and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.

RELEVANT POLICIES:

National Policies (PPG & PPS)

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| PPS 1 | Delivering Sustainable Development |
| PPS 3 | Housing |
| PPG 15 | Planning and the Historic Environment |

Mid Bedfordshire Local Plan First Review 2005 Policies

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| DPS5 | Protection of Amenity |
| DPS9 | Open Space for New Dwellings |
| LPS2 | Large Villages |
| H06 | Location of New Residential Development |
| CHE11 | New Development in Conservation Areas |

Supplementary Planning Guidance:

Design Guide for Residential Areas in Mid-Bedfordshire
Planning Obligations Strategy February 2008

Planning History

None

Representations: (Parish & Neighbours)

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| Clophill PC | Clophill Parish Council strongly objects to the boundary treatment to the western boundary which should remain as a beech hedge and not be hidden by a fence. Otherwise consider that the application is satisfactory and fully supports the application |
| Adj Occupiers | 112 High Street Clophill - Support. Will improve visual situation in High Street and provide home on under used land. 95 High Street Clophill - No objection to principle but concern that the size and position of the proposed dwelling will have an impact on the environment (including noise and vibration) and appearance of the surrounding area, particularly its proximity to St Mary's Church being a Grade II listed building. |

Consultations/Publicity responses:

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| Beds CC (Highways) | Concern regarding requirement for pedestrian visibility at the existing access as it is obstructed on both sides by the existing brick walls. Request revised plan showing triangular vision splays. Alternatively confirm that this requirement can be dealt with by the imposition of conditions. |
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Site Notice posted Response to be reported verbally
Application Response to be reported verbally
advertised 06/03/09

Determining Issues

The main considerations of the application are;

- Principle of development
- Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church
- Impact upon neighbouring residential amenity
- Access
- Unilateral Undertaking

Considerations

1. Principle of development

Clophill is a large village as defined by Policy LPS2 of the Mid Bedfordshire Local Plan First Review 2005. The site is within the Settlement Envelope as defined by the proposal map and Policy HO6 states that development is acceptable in principle within the Settlement Envelope.

2. Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church

The proposed dwelling is to be sited to the rear of the existing dwelling. The proposed dwelling is two storey and has a double pile form with a pitched roof and a central valley gutter. The dwelling is 11.2 metres deep by 12.8 metres wide. The dwelling has a formal appearance with windows spaced evenly either side of an open porch.

The front of the proposed property is set back behind the listed church by a distance of 9 metres. The dwelling is set in from the boundary by 5.7 metres. There will be views of the dwelling across the open churchyard but the view will be recessive and distant.

The proposed garage to the proposed property is set forward of the church with its rear wall being in line with the front of the church. However the garage is set in by 10 metres with the ridge line parallel to the boundary and is to be constructed in traditional materials in a traditional design. A tree is proposed to be planted which will partially obscure views of the garage and the dwelling. The proposed garage to the existing dwelling is also set in from the boundary with the church. The siting of the dwelling and garages is not considered to have a detrimental impact on the setting of the listed church.

The size of the rear garden meets the minimum requirement given in supplementary planning guidance Design Guide for Residential Areas in Mid Bedfordshire 2004. Adequate garden area has been retained for the existing dwelling.

The setting back of the dwelling from the rear elevation of the church means that the side elevation of the church is still unimpeded and will be in view to occupiers of the new property. Although there are no public views of this side of the church, this aspect does contribute to the appearance of the Conservation area.

Concern has been raised from the Parish Council regarding the use of 1.8 metre high timber close boarded fencing to the western boundary with Lavender House in Great Lane and especially to the Church. There is an existing beech hedge along this boundary which is highly visible when viewed across the churchyard and is an important feature in this part of the conservation area. It is considered that a post and rail fence would be more appropriate on this boundary with supplementary planting to the hedge and this could be overcome by the imposition of a condition.

The siting of the dwelling is considered to be acceptable in principle subject to a sensitive design which reflects the local character and identity of the conservation area and is of a form and scale that does not cause harm to the listed building.

As the dwelling will occupy a backland plot, it is essential that the dwelling is subservient in scale and form. The site is on rising land making the development more prominent in the vicinity. If permission is granted this will be subject to a condition requiring details of the finished levels of the property and any change of levels and excavation required.

The proposal is not considered to be subservient in scale or form, and is significantly larger than the principle house on the High Street. Its scale would be out of keeping with backland buildings. In addition the design is not of a cottage scale and does not relate to the small scale units usually associated with the conservation area. This is not a 'Formal House' setting since it is not High Street frontage and associated with the linear settlement.

The long linear driveway also fails to terminate with positive building form and the two detached garages create a pepper pot pattern of development not respecting a traditional form of layout or grouping which is often characterised by linking outbuildings together. The proposed garage for the existing dwelling would relate better to the existing dwelling if it were sited in closer proximity to the dwelling it is to serve.

The proposal does not relate well to the street frontage and would leave a substantial gap with two large driveways set back from the pavement and road frontage, thereby destroying any sense of enclosure. The conservation area is characterised by building frontages and/or screen walling and although the existing garage is set back from the street frontage not sited on the frontage, this proposal does not represent an opportunity to enhance the appearance of the conservation area.

3. Impact upon neighbouring residential amenity

A distance of over 21 metres has been achieved between the rear of the existing property at 91 High Street Clophill and the front of the proposed dwelling. Adequate garden land has been allocated to each property. As such it is considered that the proposal will not have a detrimental impact on the amenities of the occupiers of 91 High Street.

Due to the relationship between the position of the new dwelling and the property at Lavender House in Great Lane to the rear, it is considered there will not be a detrimental loss of privacy through direct looking into first floor windows given a distance of 19 metres between the properties and the oblique views. However there will be potential for overlooking into the private garden to this property especially as the land rises. Given the proposed property is set in from the boundary by 5.4 metres and the only window at first floor level to the side elevation where there would be potential to directly overlook the garden serves an ensuite, it is considered that a detrimental loss of privacy should not occur as a result of the proposal.

93 High Street and 95 High Street are not considered to be detrimentally affected by the proposal due to their separation from the proposed dwelling and the proposed garages. The window in the first floor side elevation that overlooks the garden to 95 High Street is to serve an ensuite.

If permission is recommended a condition restricting the addition of further openings in the side elevations of the dwellings should be imposed to ensure privacy.

4. Access

Bedfordshire County Council (Highways) have concern regarding the requirement for pedestrian visibility at the existing access as it is obstructed on both sides by the existing brick walls. As the site is fronting the High Street where pedestrian movement can be heavy at certain times such as during school opening and closing times, it is imperative that the required pedestrian vision splays of 1.8m x 1.8m are provided on both sides of the access. This could be done without affecting the existing brick walls, particularly the one on the eastern side of the access, which is at the boundary of third party land. The provision of pedestrian vision splays will not affect the access width and would still retain a width of 6.8m which is quite within the required standards. The area between the vision splay triangles and the east and west gate pillars of the two accesses should ideally be at a slightly higher level than the access drive and paved in a material different to that of the access.

5. Unilateral Undertaking

The Planning Obligations Strategy, wherein the construction of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by the Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

The Supplementary Planning Document is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has not been received in respect of this application.

Conclusion

In light of the above considerations it is recommended that planning permission be refused.

RECOMMENDATION

REFUSE Planning Permission for the application set out above for the following reason(s):

- 1 XD09 The proposal constitutes an inappropriate form of backland development by reason of its size and design and is considered out of keeping with the character and appearance of the area. As such the proposal is contrary to Policy DPS5 of the Adopted Mid Bedfordshire Local Plan First Review 2005.

- 2 U The application site lies partly within the Clophill Conservation Area and the proposal by reason of its size and design would neither preserve nor enhance the character and appearance of this part of the Area; as such the proposal is contrary to PPG15 and Policy CHE11 of the Adopted Mid Bedfordshire Local Plan First Review 2005.

- 3 U The proposal by reason of its size and design would detrimentally harm the setting of the listed St Mary's Church; as such the proposal is contrary to PPG15 Planning and the Historic Environment 1994.
- 4 U The applicant has failed to submit a Unilateral Undertaking, as such the application fails principles established in PPS1: Delivering Sustainable Development and Council's adopted Guidance: Planning Obligations Strategy, 2008.

DECISION

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