

**Item No. 6****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>MB/08/02409/FULL</b>
<b>LOCATION</b>	<b>BARN AT 19A, HIGH STREET, PULLOXHILL</b>
<b>PROPOSAL</b>	<b>FULL: CHANGE OF USE TO RESIDENTIAL AND ALTERATIONS TO CHANGE ROOF FORM</b>
<b>PARISH</b>	Pulloxhill
<b>CASE OFFICER</b>	Duncan Jordan
<b>DATE REGISTERED</b>	19 January 2009
<b>EXPIRY DATE</b>	16 March 2009
<b>APPLICANT</b>	Mr Sherry
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>CLLR ELLIS REQUEST - AFFECT ON CONSERVATION AREA AND AMENITY CONCERNS</b> <b>S106 PENDING</b>

**Update to Report for Meeting of Development Management Committee of 8 April 2009**

This application was considered at the meeting of the Mid Bedfordshire District Council Development Control Committee on 11th March 2009, when Members resolved to defer the matter in order that a site inspection may be undertaken.

In reporting the matter to the March meeting, members were advised that amended plans had been received showing an enclosed stairwell, thus avoiding the need for independent fire escapes from bedrooms (a point of concern from a neighbouring resident), and that a draft unilateral undertaking had been received. The detail of this undertaking is presently being negotiated with the applicant and a further update will be given at the meeting.

The remainder of this report is unaltered from that presented to the meeting on 11 March.

**Site Location:**

19a, High Street, Pulloxhill is a detached weather boarded outbuilding. It is set behind the existing street frontage, sandwiched between 21, High Street to the front and 19a, High Street to the rear. Both 21 and 19a, High Street are shown within the ownership of the applicant.

The application building is a single storey structure with high eaves and a low pitched roof finished with timber boarding and asbestos roof. A single storey flat roof projection sits at the rear which abuts an existing electricity sub-station.

The access to the site within the designated Conservation Area while the whole site is within the designated Settlement Envelope.

## The Application:

For the change of use to residential and alterations to change roof form. Removal of ground floor section abutting electricity sub station and removal of sub station.

## RELEVANT POLICIES:

### National Policies (PPG & PPS)

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS15 Planning and the historic environment

### Mid Bedfordshire Local Plan First Review 2005 Policies

- DPS6 Criteria for Extensions
- DPS9 Open Space for New Dwellings
- CHE11 New Development in Conservation Areas

### Supplementary Planning Guidance

Planning Obligations Strategy, 2008

### Planning History

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|----------|--|
| 07/01746 | Conversion of storage barn to form two semi-detached cottages. Refused 21/1/08. Appeal Refused 10/9/08 |
| 07/00550 | Conversion of storage barn into two semi-detached cottages. Withdrawn 14/6/07                          |
| 07/00551 | CAC: Demolition of part of storage barn. Withdrawn 21/6/07   |
| 06/02103 | Conversion of barn into two semi-detached cottages. Withdrawn 26/02/07                                 |
| 06/02105 | CAC: Demolition of part of storage barn. Withdrawn 26/02/07  |

### Representations: (Parish & Neighbours)

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|---------------------------|---|
| Pulloxhill Parish Council | <ul style="list-style-type: none"><li>– at the appeal for this site, 07/01746, the Inspector stated: “Though outside the Conservation Area, it (the proposed development) nevertheless has an effect on its (the CA’s) character and appearance ... consider that it detracts from the character and appearance of the area.</li><li>– The increase in ridge height of 1.5m will make the end view of the proposed dwelling imposing when viewed from the High Street and therefore have an increased effect on the Conservation Area’s character and appearance and impact upon nearby properties.</li></ul> |
|---------------------------|---|

- Garden depth would be inadequate
- What is being proposed constitutes a barn conversion... trust that this application will be viewed as a 'barn conversion and that any relevant building regulations, such as ridge height issues will be applied.
- The rear of the building is to remain timber clad which, combined with the increase in the ridge height of the roof will make this proposal even more overbearing for the residents of 23, 25 High Street.
- If the application is approved – expect to see planning conditions to:
  - Removal the electricity sub station
  - And require safe removal of the asbestos roof.
- Inadequate car parking provision

**Adjoining Occupiers**

33 High Street Pulloxhill - Strongly object. Will overlook adjoining houses. Two parking spaces insufficient. High Street cannot cope with more houses.

19 High Street Pulloxhill - Object. Building is an eyesore. Raising roofline will only make it more prominent. Garden inadequate in size and form. Sub Station will need to be moved. Visual impact on 23 unacceptable. Upstairs windows do not meet requirements for fire escape and will need to be amended. Submitted photographs are misleading. Building is being reduced by 5m at rear - this should have been to front. Parking and manoeuvring in High Street will be aggravated. Cramped and out of place.

23 High Street Pulloxhill - Object. Photographs are misleading. Where will substation be moved to? Increased height should not be allowed in conservation area. Will cause loss of sunlight to adjacent garden area. Where will drains be located? Inadequate space for car parking. Parish Council has been unable to comment. Pulloxhill does not need more development.

25 High Street Pulloxhill - object. Parking and access are already a critical problem. Historically multiple proposals for this barn. Will overlook property. Cramped and harmful to conservation area.

**Consultations/Publicity responses:**

Beds County Highways Env. Agency	Prepared to accept two car parking spaces and recommends appropriate Conditions. No Comment
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Beds & River IDB      No Comment  
County Council        No Objection  
Archaeology Officer

## **Determining Issues**

The main considerations of the application are;

- 1. Principle of Development**
- 2. Visual impact on the character and appearance of the area**
- 3. Amenity Impact on Proposed Dwelling**
- 4. Impact on neighbouring residential amenity**
- 5. Other**

## **Considerations**

### **1. Principle of Development**

The barn lies behind 21, High Street, occupying a backland location. Policy LPS3 of the Mid Beds Local Plan, First Review, Adopted December 2005, designates Pulloxhill as a small village and Policy H06 restricts further residential development in small villages to infill only.

The report to 07/01746 addressed the principle of development and it concluded that "... given the building has a large dwelling to the rear and is surrounded by residential accommodation, the village's character will remain intact [and that] furthermore the building already exists and therefore there is no additional built development." Concluding that the proposed conversion is acceptable in principle. This application was refused at Development Control Committee. The subsequent appeal decision did not challenge that the principle of development was acceptable.

On balance, because a backland property already exists and this property lies in between the property at the street frontage and this backland property and that the Inspector did not raise the principle of development as an issue, then it is considered the principle of residential conversion on this site is acceptable.

### **2. Visual impact on the character and appearance of the area**

The inspector to the aforementioned appeal included the statement that; " the barn is of simple form and this together with its relatively shallow pitched roof gives it a utilitarian appearance, akin to a large garage, rather than a traditional barn and further considered that " on balance I consider that it detracts from the character and appearance of the area, given its form and overall appearance and the extent to which its present cladding draws attention to its presence." In response to this statement this application proposes raising the ridge height of the roof by 1.5m in order to achieve a pitch to the roof comparable to other buildings nearby.

The changes proposed; to raise the ridge height by 1.5m and consequently the pitch, and the use of brick to the south east side elevation facing the road and south west elevation, would reduce the 'utilitarian appearance' of the building referred to by the Inspector and provide greater interest to the design of the property.

Other alterations of the building include blocking up the high level windows and insertion of new ground floor windows and an entrance door to the front south west elevation. Four velux style windows are also proposed to the front. To the rear, north east elevation, ground floor windows are proposed as are a further 5 velux windows in the roofline. The roof is proposed to have the asbestos removed and replaced with grey slate tiles, windows proposed wooden & painted white, no details have been given to the velux style rooflights proposed. An existing single storey 'extension' is proposed removed.

In terms of the impact on the character and appearance of the area, it is evident that the Inspector to the appeal, considered there was room for betterment of the building, in particular with the relationship to the adjacent Conservation Area. It is considered the changes now sought would reduce the adverse impact identified by the Inspector on the adjacent Conservation Area and create a building akin to those existing within the streetscene, thus benefiting the adjacent Conservation Area.

### **3. Amenity Impact on proposed dwelling**

Adopted Technical Planning Guidance : Design Guide for Residential Areas in Mid Bedfordshire indicates that the rear garden area of a new dwelling should be:

- (a) Normally a minimum 100 sq m if an established suburban area.
- (b) 10.5m minimum from the rear boundary, if backing onto other properties
- (c) No less than twice the footprint of the proposed house and garage depending on the character of the context

In regard to the appeal to 07/01746 for 2 residential units the inspector recognised that a more flexible approach could be taken to a conversion and was also satisfied that the small sub-station could be removed to an acceptable location on land elsewhere with the applicant's ownership. The relocation of the sub-station has been offered to be removed as part of the application "if reasonably required to be removed". The inspector considered the rear gardens for two units would be cramped and of limited usefulness but did not preclude the conversion to one residential unit.

Although the depth of the garden proposed in the submitted plans only indicate a depth of 4.1m, plans do indicate an area of 74m sq, which is considered acceptable for one dwelling despite the restricted depth. The applicant proposes the height of the garden to be reduced by 300mm to allow for greater privacy to the garden area of 23, High Street, without having to increase the height of the existing boundary wall. It is essential that this be controlled by condition.

The electric sub-station will be required to be re-located by condition in order to ensure that the overall garden area is achievable.

#### **4. Impact on neighbouring residential amenity**

It is considered that the distance between properties and the barn concludes that there should be no concern of the barn being overbearing, despite the ridge height being raised by 1.5m. In relation to overshadowing, again, because of the distances involved this should not present a reason for refusal.

In regard to overlooking, there should be no concern from overlooking from the proposed new ground floor front windows to the property, as these would face the driveway. In regard to the ground floor windows to the rear, these would look into the proposed garden and should not have views above the existing rear garden wall. In relation to the roofline velux windows proposed, details supplied by the applicant illustrate that the height of the windows is such that no overlooking can take place ie; visibility above 1.7m. This applies to windows in both the front and rear elevations. No first floor windows are proposed in either gable end.

Impact on the amenity of neighbouring occupiers is considered acceptable.

#### **5. Other**

The applicant has proposed two car parking spaces for future occupiers of the dwelling. County Council highways have indicated that this is acceptable with conditions.

This application is also subject to contributions under the council's adopted Planning Obligations strategy totaling £9,966. A signed Unilateral Undertaking is currently awaited from the applicant.

A representation received referred to the reduction in length of the building, this is an incorrect assumption, the building length remains unaltered.

A further representation referred to the size of velux windows being employed being unsuitable for fire escape. The council's building control officer confirmed that the velux windows were unsuitable for fire escape, upon liaising with the applicant's agent it was agreed that a protected stairwell would be a suitable alternative. The Building Control Officer has confirmed this is an acceptable solution.

#### **Reasons for Granting**

The proposed conversion to a dwelling, alterations to roof form and alterations to the external appearance are considered to place an acceptable impact on the adjacent Conservation Area such as to comply with Policy CHE11, provide sufficient amenity space and place an acceptable increased impact on neighbouring residential dwellings to be in accordance with Policy DPS6 and DPS9 of the Mid Bedfordshire Local Plan, First Review, Adopted December 2005.

## RECOMMENDATION

APPROVE Planning Permission **Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1            DG01    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            RR08    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 further window or other opening shall be formed on any elevation of the dwelling without the specific grant of planning permission.

Reason: To protect the amenities of occupiers of neighbouring properties.
- 3            RR10    Notwithstanding the provisions 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 extension, porch, fence, wall, gate or other means of enclosure shall be erected unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjacent occupiers and the character and appearance of the area and in view of the restricted dimensions of the private garden area to the dwelling.
- 4            EM01    **Details of the materials to be used for the external walls, roof, windows (including roof lights) and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Such details shall include a methodology for the removal of cladding and exposure of brickwork to the south west and south east elevations.**

**The works shall be implemented solely in accordance with the agreed details.**

**Reason: To protect the visual amenities of the building and of the area generally.**

- 5 U **Development shall not begin until details for the relocation of the electricity sub-station have been submitted in writing to the Local Planning Authority for approval. The relocation of the electricity sub-station shall then be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.**

**Reason: In order to protect the health and amenity of residents of the proposed development.**

- 6 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. 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.

Reason: In order to minimise the danger, obstruction, and inconvenience to users of the highway and of the premises.

- 7 U The turning space for vehicles illustrated on the approved plan shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn

- 8 U The rear garden shall be excavated by 300mm before the dwelling is first occupied.

Reason: To protect the amenities of neighbouring properties.

### **Notes to Applicant**

- 1 This application is subject to a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.
- 2 The applicant is advised that the health and safety risks associated with working with asbestos containing materials will need to be properly assessed and controlled during this work. The applicant will also need to ensure that any asbestos waste is removed from site and properly disposed of by an appropriate licensed waste contractor to a site licensed to receive such waste.
- 3 The applicant is advised that whilst the Council has no positive evidence to suggest that the site is contaminated, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Further information in this respect can be obtained from the Council's Contaminated Land Officer on 01462 611000.



- 4 The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

**DECISION**

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