

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>MB/09/00195/FULL</b>
<b>LOCATION</b>	<b>LAND AT 16, OLIVER STREET, AMPHILL</b>
<b>PROPOSAL</b>	<b>FULL: ERECTION OF 1 NO. TWO BEDROOM DWELLING, PARKING, DRAINAGE AND ANCILLARY WORKS.</b>
<b>PARISH</b>	Amphill
<b>CASE OFFICER</b>	Clare Golden
<b>DATE REGISTERED</b>	04 February 2009
<b>EXPIRY DATE</b>	01 April 2009
<b>APPLICANT</b>	Mr Lester
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>COUNCILLOR SUMMERFIELD: TOWN COUNCIL REQUEST. OVERBEARING AND ACCESS/HIGHWAYS.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The 0.05ha application site is located on the northern side of Oliver Street which is a relatively narrow highway having a carriage way width of 5m. The surrounding area is predominantly residential in character with a mixture of dwelling types and styles. The character of the area is mainly of red brick, Victorian buildings. To the north of the site lie Victorian dwellings with the rear gardens backing on to the site. To the west of the site lies a Baptist Chapel which has a prominent presence within the streetscene and is located 1.5metres from the side boundary with the application site. This building has a depth of approximately 17.5metres. To the north of the chapel and west of the rear garden of No.16 is No. 10 Oliver Street, a bungalow, constructed as infill development in the late 1950s, early 1960s. To the east of the site is No.18, adjoining and contemporary with No.16.

The site comprises of No. 16 Oliver Street, a two storey, end of terrace dwelling which was originally two dwellings. No. 16 was constructed in the 1930s and is constructed of half brick and half smooth render under a slate hipped roof. The property presently has a good sized rear garden with a depth of 35metres from the rear building line and a width of 14metres. The rear garden area presently accommodates a single storey, flat roof double garage located approximately 11metres to the north of the dwelling, along the west side boundary. Also accommodated is a single storey summer house in the north west corner of the plot. A smaller, store building is also located close to the dwelling along the east side boundary.

The rear garden is partly covered in tarmac which extends from the access drive off Oliver Street to the south, with the remainder being grass and planting. The site presently provides at least three car parking spaces.

## **The Application:**

This application seeks permission for the erection of a one and a half storey, two bedroom dwelling at the land to the rear of No. 16 Oliver Street.

The proposed dwelling would be sited approximately 19metres to the north of No.16 and would have a floor area of 80.5sqm. It would accommodate two first floor bedrooms, a dressing room and en suite, a lounge, dining room, kitchen, bathroom and integral car port. The applicant states that the proposed dwelling would be used for his mother who suffers from limited mobility. However, the scheme is not intended to be limited to an annex style development.

A distance of 19metres would separate the proposed dwelling with No.16. Two parking spaces for No.16 and one for the proposed dwelling would be located between the two dwellings with a shared driveway also. An integral carport would provide the second on site car parking space required for this proposal. A rear garden area of 10metres in depth and 11metres in width would remain for No. 16.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG15 Planning and the Historic Environment

### **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

- DPS5 Protection of Amenity
- DPS6 Criteria for Extensions
- DPS9 Open Space for New Dwellings
- DPS10 Highways Provision for New Developments
- CHE11 New Development in Conservation Areas
- HO5 Housing Density
- HO6 Location of New Residential Development

### **Supplementary Planning Guidance**

Design Guide for Residential Areas Adopted Technical Guidance 2004

Planning Obligations Strategy 2008

## Planning History

08/00932/FULL

Erection of single dwelling for residential purposes, along with car parking, drainage and all ancillary works. **Refused for the following reasons:**

- Proposed development would be detrimental to the character & appearance of the conservation area by reason of the scale & massing of the roof, particularly the span of the main roof
- The proposal will result in an overdevelopment of the site resulting in resulting in harm to the amenity of adjoining occupiers
- Failure to provide a Unilateral Undertaking
- The proposal would be out of character with the area resulting in a cramped form of development with inadequate amenity space for the existing and proposed dwellings and inadequate landscaping

MB/77/1177  
1919/65

Double Garage. **Approved.**

Extension to kitchen and new conservatory. **Approved.**

## Representations: (Parish & Neighbours)

### Ampthill Town Council

Object to the proposal on the following grounds:

- The proposal would lead to an intensified use of the very narrow vehicular access into the site with a lack of adequate vision splay
- Lack of inadequate on site parking manouverability which could result in vehicles backing out on the road and causing potential harm to other road users and pedestrians especially as this part of Oliver Street is a safer route for the three local schools
- Loss of privacy and overlooking of neighbouring properties, especially no. 18 Oliver Street
- Proposed development of a one and a half storey dwelling would be detrimental to the character and appearance of the conservation area as the proposal fails to preserve or enhance the areas special interest

### Adjacent Occupiers

The Occupier of No. 45 Oliver Street objects to the proposal on the following grounds:

- Detrimental impact on the traffic problems currently endured and conflict with ambulance and fire stations
- Detrimental impact on the current level of parking
- Lack of parking provision for guests or additional cars

- The driveway does not look wide enough for cars to enter and leave the premises safely
- The Church wall directly next to the driveway will limit visibility for cars coming up and down the road, also making this spot very dangerous for pedestrians

The Occupier of No. 27 Oliver Street objects to the proposal on the following grounds:

- Current volume of traffic and parking and the danger it causes
- The impact of lorries and diggers accessing the site
- Restricted visibility as a result of the chapel wall and parked cars either side
- Oliver Street, because of its age and listed properties and original function for horse and carts should not be considered for house building applications
- Continuous traffic flows cause constant spray on the existing cottages

The Occupier of No. 18 Oliver Street objects to the proposal on the following grounds:

- The proposed two floor dwelling will be overbearing and out of character with the conservation area
- Overbearing when viewed from the rear of No. 18
- The first floor windows will overlook No. 18 and properties to the rear in Arthur Street
- The design as now submitted is even wider coming even closer to the boundaries on the east and west
- The trees and conifers which border the boundary with No.18 are to be removed with this application, whereas they were left in place previously resulting in further loss of privacy
- Overshadowing to No. 18
- Loss of outlook to No. 18
- Increase in traffic volume, noise and disturbance
- 'Garden In-fill Development' will not be in keeping with the immediate environment and historical character of the conservation area
- Further erode the pockets of greenery and garden areas
- Lack of a precedent
- Access too small and narrow with poor visibility to pedestrians and oncoming traffic

- Present access is a dangerous accident black spot and conflict with ambulance and fire stations

The Occupier of No. 10 Oliver Street objects to the proposal on the following grounds:

- Front elevation is too close to the boundaries of properties to the east and west
- Overlooking of No. 10
- Loss of sun and day light
- Potential for an increase in overlooking should additional windows be inserted

The Occupier of No. 20 Oliver Street objects to the proposal on the following grounds:

- Detrimental to the character and appearance of the conservation area
- Overdevelopment of the site
- Detrimental loss of landscaping
- Loss of light to No. 10 Oliver Street
- Vehicle access will change the character of the local gardens
- Parking and vehicle movements will increase the noise and pollution to adjacent properties
- Access is hazardous

The Occupier of No. 8 Oliver Street objects to the proposal on the following grounds:

- The proposed development will add further strain to an already overburdened infrastructure
- The only access is potentially hazardous

## **Consultations/Publicity responses**

### **Highways**

No objections subject to conditions in respect of on site car parking surfacing, restriction of the use of the car port and the construction of the turning space.

## **Determining Issues**

The main considerations of the application are;

- 1. Policy and Background**
- 2. Impact on the visual amenities of the surrounding area**
- 3. Impact on the residential amenities of neighbouring properties**
- 4. Highway Safety**
- 5. Other Considerations**

## **Considerations**

### **1. Policy and Background**

The proposed development is located within the settlement envelope of Ampthill which is a selected settlement and therefore falls within Policy LPS1 wherein new residential development will be acceptable in principle.

Policy H06 of the Mid Bedfordshire Local Plan 2005 states that tandem development, whereby one dwelling is sited to the rear of another, will be permitted where it does not have an adverse impact on the amenity of adjoining dwellings or the character of the area, and that a satisfactory standard of access can be achieved.

The present application is a re-submission following a refusal to grant planning permission in July 2008. The reasons for refusal comprised of; a detrimental impact on the character and appearance of the conservation area, in respect of the scale and massing of the roof; over development of the site resulting in harm to the amenity of the adjoining occupiers; and failure to provide a Unilateral Undertaking.

The present application has simplified the overall form of the new building creating an L-shape which is more reflective of a traditional outbuilding in an urban setting. As a consequence of the simplified form, the overall roof span of the building has also been reduced and the height of the roofline lowered, thereby helping to reduce the dominance of the roof. The revised plan of the building has also created a greater area of amenity space to the front and rear of the dwelling.

The main issues in this application therefore, will be the impact of the proposed development on the visual amenities of the surrounding area, the impact on the residential amenities of neighbouring properties and the impact on highway safety, each of which will be discussed in detail.

### **2. Impact on the visual amenities of the surrounding area**

The application site lies within the Ampthill conservation area where all new development must preserve or enhance the character and appearance of the conservation area in line with Policy CHE11 of the Mid Bedfordshire Local Plan 2005 and guidance in PPG15: Planning and the Historic Environment.

Views of the proposed dwelling would be limited from within the streetscene, although it would be visible from the rear gardens of surrounding properties.

The overall grain of the surrounding area is considered to be varied with high density Victorian terraces to the south of Oliver Street, in contrast to the lower density mock Georgian dwellings to the north west of the street and the Victorian dwellings with deep rear gardens to the north on Arthur Street. There are examples of dwellings set to the rear of existing buildings without a frontage to the main street. Such examples include, No. 10 Oliver Street which lies directly west of the site and dwellings in Ossory Place, just off Arthur Street to the north west of the site. There are examples of residential infill development close to the site which include No.s 4 - 6 Oliver Street to the west and No. 50 Arthur Street to the south east.

There is also a lot of variation in the plot sizes in this area. The principle of siting a dwelling to the rear of an existing dwelling is therefore considered to be acceptable in the context of the existing urban grain in this area.

The proposed dwelling would sit slightly forward of the adjacent front building line of No.10, however it would not project beyond the rear building line of this dwelling and the roofline would relate well with the ridge line of No.10. Whilst it would be set close to either side boundary, this type of relationship, whereby the dwelling is within 1metre of the side boundaries, is repeated on other plots close to the application site. For example, No.s 6 and 20 Oliver Street and dwellings in Ossory Place. With the increased level of amenity space and distance from No.16, it is not considered that the proposed dwelling would result in an over development of the site.

The overall design and detailing of the proposed dwelling is considered to be typical of an urban outbuilding which would be set further to the rear of the streetscene. The proposed use of materials to appear in-keeping with the locality will help ensure the proposed new dwelling preserves the character and appearance of the surrounding area. Should permission be granted, it is recommended that the proposed materials are carefully controlled by a condition requesting samples.

Overall, the proposed new building is considered to be modest which will not appear unduly prominent within the streetscene. The proposed design is considered to be reflective of an urban outbuilding and its siting within the plot is considered to be acceptable with sufficient space around the building. It is therefore considered that the proposal will preserve the character and appearance of this part of Ampthill conservation area in compliance with Policy CHE11 of the Mid Bedfordshire Local Plan and guidance in PPG15.

### **3. Impact on the residential amenities of neighbouring properties**

The neighbouring properties potentially most affected by the proposal are considered to be No. 10 Oliver Street, directly to the west, No.16 to the south, No. 18, to the east and No.s 26, 24, 22, 20 and 46 Arthur Street.

In terms of the impact of the proposed development on the residential amenities of neighbouring properties, the main issues are considered to be; whether the proposed dwelling would result in a loss of privacy to adjoining properties; have an overbearing impact on adjoining properties; result in a loss of light to neighbouring properties and create an unacceptable danger to highway safety. Also considered will be whether the proposed development would provide for a sufficient level of amenity space for both No. 16 and the proposed dwelling.

In terms of the impact of the proposal on the existing property, No. 16 Oliver Street, there would be a back to front separation distance of a minimum of 19metres, an increase of 2.7metres from the last application. Whilst the 21 metre distance between facing habitable rooms is a useful conventional measure, the Council's Supplementary Planning Guidance advises that this should be taken as general guidance and it is still equally important to consider the relationship of the buildings with each other and the design and location of windows. In this case, there are only ground floor windows

proposed on the front elevation of the proposed new dwelling which as result of the 19metre distance and the screening proposed to be provided for the rear boundary of No. 16, will not result in any loss of privacy to the occupiers of No.16. Furthermore, the separation distance to No.16 at first floor level complies with the 21metre guidance.

The development achieves the minimum 10.5metre garden depth for No.16 as outlined in the Council's Supplementary Planning Guidance as well as providing a minimum of 100m<sup>2</sup> useable amenity space for the proposed new dwelling within a suburban area. Whilst the proposed dwelling would be sited close to both side boundaries, a minimum of 1metre remains and this type of layout is reflected in the pattern of surrounding development. It is therefore not considered that this proposal would result in an overdevelopment of the plot.

With respect to the neighbouring property directly to the west, No. 10 Oliver Street, the proposed dwelling would be sited 1metre away from the side boundary, and 4metres from the flank wall of this property. There are no windows proposed on the carport wall closest to this property, however one dormer window serving bedroom 2 would be positioned 4.7metres away from No.10. Views from this first floor window would be mainly limited to the roof of No.10 (which would project a further 5.5metres to the rear) and it is not considered any direct overlooking resulting in a loss of privacy would occur.

A 1.8metre high boundary fence aligns this side boundary which will screen views of No.10 from the proposed ground floor windows, as is the present relationship. The roof height of the proposed dwelling has now been reduced to be in line with the ridge height of No.10, and with the existing 1.8metre fence, it is not considered the proposed dwelling would result in a loss of light to this property. The reduction in the ridge height and simplification of the roof form, and the 4metre separation with No. 10, will ensure the proposed dwelling does not have an overbearing impact on this property.

With respect to the impact of the proposed development on No.18 Oliver Street, directly to the east, the proposed dwelling would be sited a minimum of 1metre from the side boundary of the rear garden of this property. There are no first floor windows proposed which would overlook the rear garden of this property. The rear elevation of No.18 would be just over 20metres away from the proposed dwelling and thus would not impact on the amount of privacy or light afforded to this property. However, the loss of some of the existing landscaping along the side boundary would reduce the sense of enclosure for the occupiers in this part of the rear garden. Part of the existing line of conifers, (approximately 8metres) is proposed to be retained and the bulk of the proposed dwelling at single storey, will reduce the prominence of the new dwelling within the outlook of both No.18 and No.20 Oliver Street. The applicant has stated that he intends to introduce new landscaping at the north east corner with No.18 to provide new screening. Should permission be granted, it is recommended that a condition be imposed requiring details of all new landscaping on the site.

In relation to the residential properties directly to the north of the application site, there would be a separation distance of at least 45metres from the rear elevations of these properties to the proposed dwelling. The proposed dwelling would have an impact on the outlook afforded at the very rear of the gardens of these properties, however at one and a half storey level, it is not



considered that this would have an overbearing impact within the outlook from these properties. Due to the separation distance, it is not considered the proposal would have a detrimental impact on the level of privacy or light afforded to these properties.

#### **4. Highway Safety**

Concerns have been raised in respect of the impact of the proposed development on highway safety, principally in respect of the proposed shared vehicular access off Oliver Street and parking provision in the local area.

The parking requirement for this proposal would be for two spaces for each dwelling which has been achieved. With respect to the concerns raised regarding the safety of this access, it is recognised that pedestrian visibility splays are only achievable to the east of the access but it is not considered that the proposed additional vehicular movements per day to be hazardous in this instance as the access is already in use, and historically has served two dwellings in the past.

The Principal Highways Officer at Bedfordshire County Council has raised no objection to the proposed development subject to conditions relating to on site car parking surfacing, restriction of the use of the car port and the construction of the turning space.

#### **5. Other Considerations**

Following the adoption on 20th February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore a Unilateral Agreement is required for this proposal prior to the granting of planning permission. The Planning Obligations Strategy has been fully operative since 1st May 2008 and thus is a material consideration within the decision making process. Proposals including those for one dwelling are required to enter into a Unilateral Agreement to secure contributions to make acceptable those development that would otherwise be unacceptable in planning terms. This applies to proposals for single dwellings due to the cumulative impact of smaller developments creating significant additional demands for new infrastructure, services and facilities within an area.

This contribution would go towards local infrastructure such as educational facilities, sustainable transport, health facilities and recreational open space in the Ampthill area.

This application has been accompanied by a unilateral undertaking which is in the process of being checked by the Council's Legal team.

## Conclusion

**In light of the above considerations, it is recommended that permission be granted subject to conditions.**

## Reasons for Granting

The proposal is in conformity with Policy DPS5, DPS6, DPS9, DPS10, CHE11, HO5 and H06 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1 Delivering Sustainable Development, PPS3 Housing, PPG15 Planning and the Historic Environment and Technical Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire (2004); Planning Obligations Strategy 2008.

## RECOMMENDATION

APPROVE Planning Permission for the application set out above 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            U            **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof and windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with these approved details.**

**Reason: To safeguard the appearance of the completed development and preserve the special character and appearance of the Conservation Area in accordance with Policy CHE11 of the Mid Bedfordshire Local Plan 2005.**

- 3            TL02    **Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**

- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

**Reason:** In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 4 U Prior to the first occupation of the building, the eastern first floor window to the master bedroom in the rear, north elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of occupiers of adjoining properties.

- 5 HS20 Before the new dwelling is 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 danger, obstruction and inconvenience to users of the highway and of the premises.

- 6 HS22 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port on the site shall not be used for any purpose, other than as parking accommodation, unless previously agreed in writing by the Local Planning Authority.

**Reason:** To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 7 U The turning space for vehicles illustrated on the approved Plan (No 16259/1006) shall be constructed before the development is first brought into use.

**Reason**

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

8 U The front elevation of the proposed car port shall not at any time be built up or filled in and the rear elevation of the proposed car port shall have doors that swing outwards only.

Reason

To ensure adequate off street parking in the interests of traffic safety

9 U 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 works shall be commenced for extensions or alterations, including new windows, and structures within the residential curtilage of the approved new dwelling until detailed plans and elevations which form a valid planning application have been submitted to and approved in writing by the Local Planning Authority.

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

**DECISION**

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