

**UTT/1251/11/FUL – (TAKELEY)**

*(Referred to Committee by Cllr Cheetham. Reason: Amenity of neighbouring properties due to the lay of the land.*

**PROPOSAL:** Demolish garage of Woodbriar. Erection of dwelling and garage and new vehicular access.

**LOCATION:** Land rear of Woodbriar. The Street, Takeley.

**APPLICANT:** Mr G Silvester

**AGENT:** Mr B Christian

**GRID REFERENCE:** 546-211

**EXPIRY DATE:** 14 September 2011

**CASE OFFICER:** Mrs M Jones

**1.0 NOTATION**

1.1 Within Development Limits. Within 500m of SSSI. Adjacent to County Wildlife Site.

**2.0 DESCRIPTION OF SITE**

2.1 The site is to the south of the B1256 in Takeley. The site forms part of the previous rear gardens of the properties to the front of the site. The properties to the front of the site consist of detached bungalows, with Woodbriars having an attached single garage set back between the property to the east. The development pattern along this stretch of road is ribbon development with mainly detached bungalows to the south side. To the north side of the road and at some distance are several Listed Buildings.

To the front of both Woodbriar and The Bungalow is a gravelled parking area, which is separated from the road by a pavement and grass verge. Adjacent to the rear of the site is the Flitch Way and beyond that Hatfield Forest.

The site is relatively level and has close boarded fence panels to the north, east and west boundaries. The rear boundary has mature trees and low level timber open fencing.

**3.0 PROPOSAL**

3.1 The proposal is to demolish the garage to Woodbriars and erect a dwelling with garage sharing access to the B1256. The access to the new dwelling would be via a driveway between the existing Woodbriars and Endova (to the east) in the position of the existing garage. Endova is set down in comparison to the application site reflecting natural topography

The dwelling would be one and a half storey chalet design property with integral single garage. The property would have three bedrooms (one at ground floor level), two ensuite bathrooms and a bathroom at ground floor level. The dimensions of the home would be 14m wide, 7.5m deep and 6.4m high (reducing to 5.7m)

**4.0 APPLICANTS CASE**

4.1 Design and Access Statement (Summary): The site is a regular shape approx 23m frontage x 30m depth resulting in a large site of approx 700m<sup>2</sup> set behind existing residential gardens to two sides and a wide swathe of open land and verge with parking north side and with a former rail line/footpath beyond to the south with large woodland further beyond. The existing houses either side of the lane are a mixture of suburban, modern design of no great distinction. The comparable houses on comparable plot sizes are characteristically detached chalet bungalows/ 1 and half storey houses in the immediate area. This site provides an opportunity to create a development which is much

more complimentary and sympathetic in character with the surrounding area and whilst respecting the scale, height and width proportions of the existing dwellings on site it can be easily embellished to meet the stated design objectives of the Essex Design Guide. The site enjoys high and robust non-indigenous hedging to the main screen boundaries. These features will all be retained to help create an Arcadian environment for the new dwelling. The site is clear of vegetation throughout the area to be developed. The proposed scheme will not affect any existing landscape feature and yet it will build upon the existing features with new additional and more diverse species planting of native trees and hedgerows, this will help assimilate the development into the countryside.

The design objectives is to create a development scheme which is sympathetic to the character of the local area and village rural scene by respecting the height, scale and floor areas of nearby dwellings whilst including vernacular design form and traditional building materials which reflect the shape, style, detailing and materials of traditional buildings in the wider locality which have clearly improved the neighbourhood in recent years whilst importantly adding to the housing stock and making better use of the land. There is ample room for enclosed private rear amenity space, about 300sqm. The retained amenity space for Woodbriar is still 100sq for a small two bedroomed bungalow and meets the planning authority minimum and as a rented property is therefore totally unaffected by the proposal.

## **5.0 RELEVANT SITE HISTORY**

5.1 UTT/0904/79 proposed addition and improvements and erection of garage. Conditionally approved 1997.

## **6.0 POLICIES**

### **6.1 National Policies**

- Policy PPS3

### **6.2 East of England Plan 2006**

- Policy H1 - Regional Housing Provision
- Policy SS1 - achieving sustainable Development
- Policy ENV& - Quality in the Built Environment
- Policy ENG1 - Carbon Dioxide Emissions and Energy Performance

### **6.3 Essex Replacement Structure Plan 2001**

- Policy N/A

### **6.4 Uttlesford District Local Plan 2005**

- Policy S3
- Policy H4
- Policy GEN2
- Policy GEN1
- Policy GEN8
- Policy GEN7

Supplementary Planning documents:

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking Standards have been adopted (January 2010)
- Accessible Homes and Playspace (November 2005)

## **7.0 PARISH COUNCIL COMMENTS**

- 7.1 TPC requests that this application is reviewed by UDC Development Control Committee and a site visit undertaken. The driveway and access indicated on the plan is inaccurate. There is currently a boundary dispute between Endova and Woodbriar. Access is across land which is not in the applicants ownership (across Highways verge and neighbouring property. Current access is unsuitable and requires planning consent for a dropped kerb and access over Highways land before approval of this application is considered. On the plans provided with the application, parking indicated on the plan at The Bungalow is inaccessible other than via Woodbriar/Endova.  
This proposal contravenes policy H4 - Backland Development:

The proposal does not meet the criteria in policy H4 and will create significant loss of privacy and amenity for neighbouring properties. Therefore it also contravenes policy H5 as subdivision of dwelling will adversely affect the character of the area.

## **8.0 CONSULTATIONS**

### **Essex County Council - Highways**

- 8.1 No objections subject to conditions.

### **Thames Water**

- 8.2 No objection to sewerage infrastructure.  
8.3 Surface Water Drainage: With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Developer Services will be required.

### **UDC Project Officer**

- 8.4 No objections. The application complies with the requirements of the Lifetime Homes Standards.

### **UDC Drainage Engineer**

- 8.5 The application states that surface water drainage will be to soakaway which is the preferred option under PPS25. The proposed vehicle access/hardstanding is not a permeable construction.

### **UDC Climate Change Manager**

- 8.6 Please apply condition 8.35.

## **9.0 REPRESENTATIONS**

- 9.1 Seven letters of representation have been received. Expiry date 18<sup>th</sup> August 2011. (summary)  
9.2 This would open the floodgates to further development in other people's rear gardens which we feel would be detrimental to the area. I would also refer you to the statement made on the 9<sup>th</sup> June by minister Greg Clark who said that with immediate effect, Annex B of planning policy statement 3 will be amended so that private residential gardens are no longer classified as previously developed land. This will make it easier for councils to reject planning applications for new buildings on garden land, where local people object.

- 9.3 Object for the following reasons: The position and layout being non conforming to the existing building line.
- 9.4 The proposed position is only a few feet from the Flitch Way which is protected conservation area. This would bring light and noise pollution to the immediate area, house lighting and car head lights for example, at the rear of all adjoining housing. Vehicle lighting shining into our houses on entry and exit to the rear of our properties.
- 9.5 The proposed position invades all privacy of our rural country gardens, this is not acceptable.
- 9.6 Further dangerous access of vehicles onto the busy B1256. Exiting past cars and vans parked in the lay by, is already very dangerous as they restrict the view. This is made more dangerous by vehicles coming from the west over the brow of the hill.
- 9.7 At the moment all the properties adjacent to the proposed site are bungalows all with similar sized gardens
- 9.8 Views to the upper section of our garden would be apparent from the proposed development, while views onto the rear of our property concern us from a standing height while in front of the proposal due to the higher ground. We see this as a potential invasion of privacy considering the existing line of properties are all single storey and set both in line with our property and on a lower ground level. The new property would be on display from our view to the woodland.
- 9.9 We would also have the problem of vehicle access using our entrance from the main road.
- 9.10 What are you doing to our village?. It seems to me it's a free for all, is there not enough new homes already? This would make a mockery of the new Government Legislation June 2010 on Garden Grabbing and if this new development is built what's to stop all the other bungalows doing the same on the National Trust Forest side of the street.
- 9.11 There is a major parking problem with parking in the layby and along the street, a new dwelling would create more problems.
- 9.12 I do not believe that there is significant under use of the land and that development would make more use of it. All the dwellings along this stretch of The Street have gardens of similar size and there is not one that has a residential dwelling that has divided the garden.
- 9.13 The development would have an overbearing effect on neighbouring properties by the nature of loss of outlook and location the very nature that the outlook did not have further rooftops in view and was adequately secluded.
- 9.14 It would not be possible for there not to be any material overlooking or overshadowing of nearby properties.
- 9.15 Hatfield Forest is ancient woodland and is a rare surviving example of a medieval royal hunting forest; it is of great historical and ecological importance.

## **10.0 APPRAISAL**

- 10.1 The issues to consider in the determination of the application are:
  - A. Whether a new dwelling in this location is acceptable (PPS3 and ULP policies S3, H4)
  - B. Design, scale and impact on neighbours amenity (ULP policies GEN2 & GEN 8)
  - C. Highway Safety (ULP Policies GEN4 & GEN8)

D. Whether there would be any adverse impact on protected species (PPS9 And ULP policy GEN7)

**A Whether a new dwelling in this location is acceptable (PPS3 and ULP policies S3, H4)**

10.2 The application site falls within development limits and as such Uttlesford Local policy S3 applies. This specifies that development compatible with the settlements character and countryside setting will be permitted within these boundaries.

In addition policy H4 states that

"Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:

- a) There is sufficient under-use of land and development would make effective use of it.
- b) There would be no material overlooking or overshadowing of nearby properties.
- c) Development would not have an overbearing effect on neighbouring properties.
- d) Access would not cause disturbance to nearby properties."

The impact upon amenity will be assessed below. With regards to making effective use of land this proposal is similar to many cases allowed by this authority and by the secretary of state.

The local plan accepts the principle of back development within development limits. This acceptance in principle is not affected by the removal of garden land from the definition of previously Developed Land in PP3 Housing.

**B Design, scale and impact on neighbour's amenity (ULP policies GEN2 & GEN 8)**

The design and scale of the proposed property is considered to be satisfactory. The building would have the general proportion of a bungalow with only a rooflight facing forwards. It meets guidance set out in the Essex Design Guide and complies with the adopted Lifetime Homes Supplementary Planning Guidance. The property would not result in any material overlooking or overshadowing as the relevant criteria for back to back distance and sunlight/daylight standards are met.

The impact upon the front dwellings by way of noise, nuisance and disturbance would be minimal resulting from the proposed dwelling. This is in accordance with Policies GEN4, GEN2 and H4 of the local plan.

**C Highway Safety (ULP Policies GEN1 & GEN8)**

Adequate parking provision would be provided in accordance with local plan policy GEN8 and the Car Parking Standards.

The Highway Authority has no objections to this proposal and it is considered the access to the main road is capable of carrying the traffic generated by the development safely and that the traffic generated by the development can be accommodated on the surrounding network which is a Class B road. It is not considered that there would be any adverse impact on highway safety.

**D Whether there would be any adverse impact on protected species (PPS9 and ULP policy GEN7)**

The site has already been cleared of any vegetation and as such it is considered unlikely that there would be any adverse impact on protected species caused.

**7.0 CONCLUSION**

The proposal is acceptable and should be approved subject to conditions.

**RECOMMENDATION – CONDITIONAL APPROVAL**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

3. Prior to commencement of the development a vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained all be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of this site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety.

6. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been hard surfaced and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority

REASON: To ensure that on street parking of vehicles in the adjoining street does not occur in the interest of highway safety and that appropriate parking is provided.

7. 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 development within Classes A to E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings.

8. The development as designed, specified and built shall achieve the equivalent of a 'Code for Sustainable Homes' rating of 'Level 3', namely the dwelling emissions rate (DER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L1A SAP methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SAP rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. The applicant will provide a SAP rating of the as-built development and details of water saving and other environmental features incorporated once the development within four weeks following its completion.

REASON: In the interests of the promotion of sustainable forms of development and construction.



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