

UTT/0893/11/FUL – (SEWARDS END)

(Referred to Committee by Cllr Ketteridge. Reason: Impact on neighbouring properties)

PROPOSAL: Refurbish existing two storey dwelling, construct cart lodge, replacement dwelling.

LOCATION: Partly Within Development Limits. Protected Lane.

APPLICANT: EJB Developments Ltd.

AGENT: EJB Developments Ltd.

GRID REFERENCE:

EXPIRY DATE: 2 August 2011.

CASE OFFICER: Nicholas Ford.

1.0 NOTATION

1.1 Within Development Limits. Protected Lane.

2.0 DESCRIPTION OF SITE

2.1 The site is located on the southern edge of the village facing Cole End Lane. There is a bungalow on the site with access from Cole End Lane. There is a chalet style dwelling of greater footprint to its rear. To the north are two recently constructed dwellings and to the south is a detached dwelling - no. 12 Cole End Lane with a garage to its front.

3.0 PROPOSAL

3.1 The application proposes the demolition and replacement of the existing bungalow with a new bungalow, refurbishment of the chalet dwelling comprising alterations and the erection of a four bay garage between the two buildings.

3.2 The new three bedroom bungalow facing Cole End Road would have a footprint of about 130 sqm, a ridge height of about 4.8 metres and an eaves height of about 2.3 metres. An integral garage is indicated. Two parking spaces and a turning area are indicated between the front elevation and the highway. It would be constructed of brick with a clay pantile roof. A private rear garden of about 188 sqm is indicated.

3.3 It is proposed that the chalet dwelling would take its access from Cole End Lane between no. 18 and 20 Cole End Lane. A garden area is indicated for the chalet dwelling.

3.4 The four bay garage would have a foot print of about 95 sqm, a ridge height of 5.5 metres and an eaves height of 2.8 metres. The oak frame would be clad with feather edge boarding under a clay plain tile roof.

4.0 APPLICANTS CASE

4.1 See Design and Access Statement.

5.0 RELEVANT SITE HISTORY

5.1 UTT/1130/92 - Replacement dwelling approved. December 1992.

6.0 POLICIES

6.1 **National Policies**

Page 1

- Policy PPS1 Delivering Sustainable Development
- PPS9 Biodiversity and Geological Conservation

6.2 Uttlesford District Local Plan 2005

- Policy S7 The Countryside
- Policy S3 Other Development Limits
- Policy H3 New Houses within Development Limits
- Policy H7 Replacement Dwellings
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN4 Good Neighbourliness
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards

6.3 SPD Accessible Homes and Playspace
 SPD Energy Efficiency and Renewable Energy
 SPD Replacement Dwellings
 ECC Parking Standards - Design and Good Practice

7.0 PARISH COUNCIL COMMENTS

7.1 Object. The existing dwelling has not been demolished which was a condition of the original permission. The proposed drive has only been used as an agricultural track and is dangerous. The gallery on the chalet would overlook gardens, be intrusive and cause light pollution.

8.0 CONSULTATIONS

8.1 Drainage Engineer - The application says that surface water drainage will be to soakaways and the adjacent watercourse. The latter is not the preferred option under PPS25 and the area already has drainage problems. It also refers to self draining permeable hard standings and the use of existing vehicular access but no details are provided. Requests a surface water drainage details conditions.

8.2 Fisher German Surveyors - No comments.

8.3 Building Control - Access is satisfactory.

8.4 Access Officer - Confirms that the application supports the Lifetime Homes SPD.

8.5 Highway Authority - No objection subject to conditions.

8.6 Landscape Officer - Verbal comments. Identifies no harm to the Protected Lane as no change in levels are proposed at the point of access between nos. 18 and 20 Cole End Lane.

9.0 REPRESENTATIONS

8 objections. Concerns summarised:

- The original drive was only used to access the field not the dwelling.
- Drive intrusive to privacy of neighbours.
- Poor visibility at junction with road.
- Planning permission was given in 1992 for a one and a half storey dwelling on condition the existing dwelling is demolished and to be landscaped so as the land would not be overdeveloped.
- Additional bungalow overwhelming.

- The cartlodge is very large and overpowering.
- Concerned about car fume pollution and noise.
- The gallery is oversize almost to the top of the roof.
- Neighbouring gardens would lose privacy.
- The proposed bungalow is very large.
- Bungalow too close to boundaries.
- Precedent for change of use of agricultural land

10.0 APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the replacement bungalow and alterations to the chalet dwelling would be compatible with surrounding buildings, provides adequate access and parking and preserves protected species (ULP Policies S3, H3, H7, GEN1, GEN2, GEN7, GEN8 - SPD Replacement Dwellings, SPD Accessible Homes and Playspace, APD Energy Efficiency and Renewable Energy, ECC Parking Standards);
- 10.1 Part of the land subject to this application is within development limits and in accordance with Policy S3 development that is compatible with the character and countryside setting of the settlement will be permitted. Policy H3 allows for infilling in settlements where it would make efficient use of land and, similarly, be compatible with character. The land is not provided with any local designation that protects a particular environmental value of the site and therefore replacement dwellings that maintain character are acceptable in principle.
- 10.2 The chalet dwelling was granted planning permission in 1992 as a replacement for the adjacent bungalow, subject to a condition that the bungalow be demolished within one month of first occupation of the replacement. There is no indication on the file to explain why the original dwelling was not demolished. Representations are concerned that retention of the bungalow or a new bungalow is overdevelopment of the site and not in character with the area. However, the site is within development limits and irrespective of its planning history, a new dwelling here would be acceptable in principle.
- 10.3 The new bungalow is of appropriate scale and appearance due to its single storey height, hipped ends, brick and pantile roof. It would be sited overlapping the position of the existing bungalow adjacent the garage of no. 12 to the south and a recently constructed dwelling to the north. It would be set back from the highway by about 14 metres with parking and turning to its front and an adequate size garden to its rear. It is considered that it would preserve the character of the area.
- 10.4 Notwithstanding representations regarding the use of the access road now proposed for use by occupiers of the chalet, The Highway Authority is satisfied that, subject to conditions, this is acceptable with regards to highway safety. The Landscape Officer advises that there would be no harm to the Protected Lane as no change in levels are proposed.
- 10.5 A new open fronted garage is indicated to accommodate vehicle parking for the chalet which meets the dimensions of the new parking standard. The scale of this garage is considered to be appropriate and not overpowering. Adequate parking is provided for the chalet and the new bungalow in accordance with standards.
- 10.6 Both the chalet and new bungalow would be provided with adequate gardens. Representation is noted regarding change of use of agricultural land but this would not be a significant portion of land and would be alongside existing garden of the neighbouring property.

- 10.7 A bat survey by an ecologist has been submitted related to the demolition of the bungalow. No signs of evidence of bats either internally or externally were found, with little roosting opportunities. Little potential for roosting has been identified nor was evidence of bats internally or externally was found in the chalet. Therefore, it is considered that there would be no harm to protected species.
- B Whether there would be any harm to the amenity of neighbouring properties as a result of overlooking, overshadowing, overbearing impact or noise and disturbance (ULP Policies H8, GEN2 and GEN4).
- 10.5 Following negotiation with the applicant this application no longer proposes any extensions to the chalet. Roof lights installed would be at an oblique angle and it would not be readily possible to overlook. No significant harm is thus identified to neighbouring properties with regard to overlooking, overbearing or overshadowing.
- 10.6 The new bungalow by virtue of its siting and single storey height would have no significant impact on the amenity of neighbouring properties.
- 10.7 Whilst some degree of disturbance to neighbouring properties may be experienced by virtue of use of the access to access the chalet it is considered that the traffic generated by one dwelling would not be so significant as to lead to material harm to the amenity of neighbouring properties through such noise and disturbance.

11.0 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A Subject to conditions the replacement dwelling, refurbished chalet and cart lodge would accord with policies.

12.0 RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with Policies S3, H3, H7, H8, GEN1, GEN2, GEN7, and GEN8 of the Uttlesford Local Plan (adopted 2005).

3. Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

4. 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 to the bungalow hereby permitted 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 in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

5. 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 in accordance with SPD Energy Efficiency and Renewable Energy.

6. Before the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan adopted 2005.

7. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan adopted 2005.

8. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure/boundary treatment to include gates
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with the Uttlesford Local Plan adopted 2005.

10. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the buildings hereby permitted and any changes in level proposed, together with the proposed floor levels within the buildings, shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

11. Before development commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

12. The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied the application.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies.

13. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary of the site.

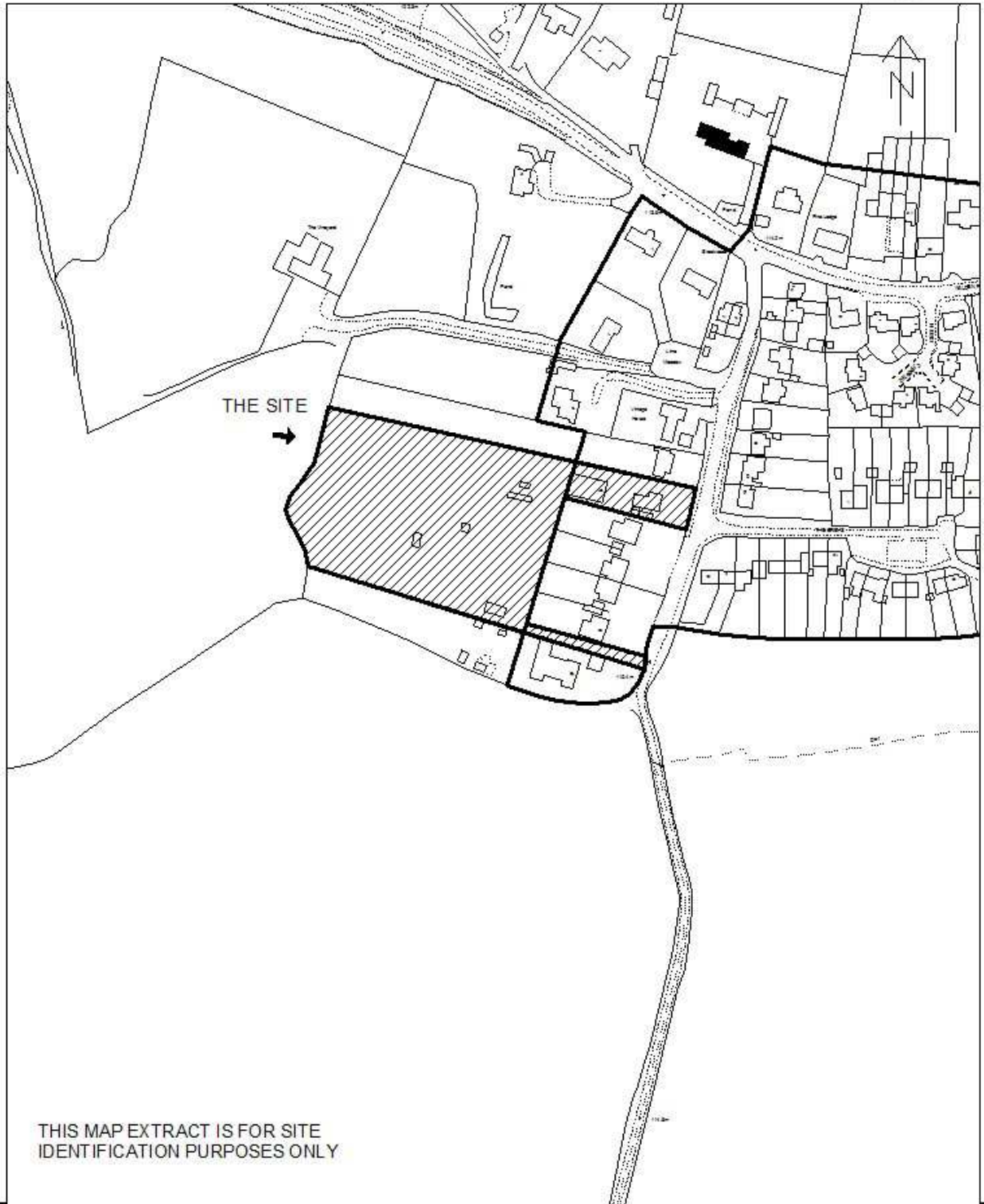
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

14. Before development commences 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 interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

15. Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.



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