

**UTT/2342/11/FUL (Takeley)**

*(Referred to Committee by Cllr Cheetham. Reason: size & loss of amenity to surrounding houses)*

**PROPOSAL:**                **Erection of detached dwelling and alterations to existing vehicular access.**

**LOCATION:**                **Lyric Cottage, Dunmow Road, Takeley.**

**APPLICANT:**            **Mr J Sanderson.**

**AGENT:**                 **GJT Architect.**

**GRID REFERENCE:**

**EXPIRY DATE:**         **20.1.2011**

**CASE OFFICER:**        **Joe Mitson**

**APPLICATION TYPE:** **Minor**

---

**1. NOTATION**

1.1 Within Development Limits/Takeley/Little Canfield Local Policy 3.

**2. DESCRIPTION OF SITE**

2.1 The site comprises the access, side and part of the rear garden of Lyric Cottage, a semi detached two storey dwelling fronting onto Dunmow Road. The parcel of land is narrow to the side of the existing dwelling before widening out to the rear. There are dwellings and gardens to the rear and to both sides of the plot.

**3. PROPOSAL**

3.1 The proposal comprises the erection of a dwelling to the rear of the site. The dwelling would be predominantly two storey and part storey and a half. The dwelling would be set well back into the site with parking to the front. The proposal has been amended through the submission of a revised plan re-siting the dwelling further from the eastern boundary and altering the proposed fenestration on the southern and western elevations.

**4. APPLICANT'S CASE**

4.1 A dwelling to the rear of the site was accepted verbally at the pre application stage and the proposal comprises a 4 bedroom detached dwelling. The site has an area of 401 square metres and at the rear is 12 metres wide and 23.5 metres deep and accessed along a 4 metre by 28 metre long strip of land providing access off Dunmow Road. The site is within the development boundaries, the site is level and there are no trees or hedges. The flank walls on the adjoining properties The Laurels and 3 & 4 Newman Road have no habitable windows overlooking the site and there are no bedroom windows in Lyric Cottage that overlook the site. The Laurels is set back into the plot and has a lawned front garden. Permission has been granted for a dwelling to the front of this. Visibility splays of 70 metres by 2.4 metres can be provided.

4.2 The proposed dwelling has been designed to minimise the impact on Lyric Cottage and Cherry Cottage. The southern elevation of the proposed dwelling would be 15 metres away from the rear walls of these properties which is greater than the distance between 3 and 4 Newman Road. The proposed dwelling has a chalet appearance with only the

staircase window directly looking to the rear of the properties. The proposed bedroom would have oblique views onto the rear of the cottages but would be screened with suitable planting. There would be no overlooking to the garden of Cherry Cottage and any overshadowing would be minimal. The dwelling would have no impact on Dunmow Road being set so far back.

- 4.3 The dwelling would have a ridge height 850mm lower than Lyric and Cherry Cottages, 950mm lower than 3 Newman Road, 2 metres lower than The Laurels and 2.3 metres lower than 4 Newman Road. The dwelling would have a rear garden of 60 square metres and a 16 square metre front garden.

## **5. RELEVANT SITE HISTORY**

- 5.1 DUN/0138/63 approved a new vehicular access and UTT/0545/77 granted approval for the erection of a garage and conservatory.

## **6. POLICIES**

### **6.1 National Policies**

PPS1 – Delivering Sustainable Development  
PPS3 - Housing  
PPS7 – Sustainable Development in Rural Areas

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

H1 – Regional Housing Provision.

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

No policies relevant.

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

Policy GEN1 – Access  
Policy GEN2 – Design  
Policy GEN4 - Amenity  
Policy GEN8 – Parking  
Policy H3 – New Houses within Development Limits  
Policy H4 – Backland Development  
Policy S2 –Development Limits/Policy Areas  
Policy Takeley/Little Canfield Local Policy 3.

## **7. PARISH COUNCIL COMMENTS**

- 7.1 In relation to the application as originally submitted Takeley Parish Council state the proposal is backland/infill, the development is far too big for the site, there is no mention of the demolition of the garage which will require knocking down and questions whether there is asbestos on the site. Also as quoted in the application Dunmow Road is not a quiet road.

## **8. CONSULTATIONS**

- 8.1 In relation to the application as originally submitted the following responses have been received:
- 8.2 Building Control does not object but state a sprinkler system may be required.
- 8.3 Water Authority does not object.

- 8.4 ECC Highways raised no objection subject to conditions and a financial contribution.
- 8.5 Access Officer has no objections.
- 8.6 Following the receipt of revised plans further consultation has taken place with neighbouring properties and the Parish Council. Details of any responses will be reported at committee.

## 9 REPRESENTATIONS

9.1 Neighbour notification period expired 3<sup>rd</sup> February 2012. 2 letters received objecting on the following grounds:

- the windows on the front elevation serving the bedroom and landing would overlook the rear garden and conservatory;
- the property appears to be directly on the boundary and no consideration or approach has been made by the developer in terms of access during construction or details of the finish of the boundary;
- the dwelling would cast a large shadow on the rear garden particularly during afternoons making it dark;
- the proposed driveway and parking would be adjacent to the sitting area and pond in the garden and have concerns over car fumes and general disturbance;
- would not wish for landscaping to be provided in excess of the former fence height due to maintenance and loss of openness;
- would expect at least a metre gap between the property and boundary;
- the fence at the rear has been removed;
- the development would result in further traffic and against further development in the area given the amount of new dwellings already built.

9.2 2 letters of concern has been received stating that whilst it would be preferred that the area remain open request that trees be planted along the rear boundary to soften the appearance but be no higher than the existing or that a fence be sited along the boundary.

## 10 APPRAISAL

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

- A The principle of development (ULP Policies S2, H3, H4, Takeley Local Policy 3, PPS1, PPS3, PPS7);
- B The visual impact and residential amenity (ULP Policies GEN2 & GEN4);
- C Access and parking (ULP Policies GEN1 and GEN8);
- D Energy Efficiency and Renewable Energy and Lifetime Homes (SPD).

**A The principle of development (ULP Policies S3, H3, H4, Takeley Local Policy 3, PPS1, PPS3, PPS7, SPD Takeley/Little Canfield Local Policy 3 Priors Green).**

10.1 The site falls within the Takeley/Little Canfield Local Policy 3 Priors Green area and therefore residential development is acceptable in principle provided certain criteria are met. Furthermore, policy H3 supports residential development within limits. The site is backland and policy H4 states that permission will be granted provided the proposal would make more efficient use of the land, there would be no material impact on residential amenity

including overbearing impact and access would not cause disturbance to nearby properties. As such there is a presumption in favour of residential development at this location in terms of land use.

**B The visual impact and residential amenity (ULP Policies GEN2 & GEN4).**

- 10.2 The area has no defined pattern of development with housing fronting onto Dunmow Road, dwellings adjacent to the rear of the application site forming part of the Priors Green development and dwellings set well back from Dunmow Road. The dwelling proposed would be backland development and would be set a significant distance from the highway. It would also be partly sited behind Lyric Cottage. As a result the visual impact of the dwelling from public areas would be relatively limited. It should also be noted that a further dwelling has been approved on the site to the west of the proposed access which would further reduce views of the application site.
- 10.3 The dwelling has been designed to minimise the visual impact with a narrow gable to the façade and low eaves on the remainder of the front elevation. Although the dwelling is large for the width of the site, given the siting and design it is considered that the proposal would be sufficiently in keeping with the site and surroundings.
- 10.4 The dwelling would occupy a backland location and therefore has more sensitive relationships with adjacent dwellings. The houses to the north are side onto the site with the access road directly to the rear of the site. Although these dwellings are in close proximity to the rear of the application site there would be no undue overlooking, overshadowing or loss of privacy.
- 10.5 The proposed dwelling would be located to the east of The Laurels adjacent to an outbuilding serving that property. Although the proposed dwelling would project beyond the rear elevation of The Laurels there would be no undue overlooking or loss of privacy and The Laurels is sited away from the eastern boundary of the site. As a result of the orientation there would be a degree of overshadowing; however, it is not considered such that a refusal could be sustained.
- 10.6 The proposed dwelling would be sited to the rear of Lyric Cottage and the attached Cherry Cottage. The application has been amended to try and reduce the impact on those properties through re-siting the dwelling further from the eastern boundary and incorporating a dummy window on the front gable. In addition, the dwelling has been designed to minimise the impact through the low eaves level. Although it is considered that a smaller dwelling would be preferred the design and siting would not result in an unreasonable level of overlooking or loss of privacy. The distance from the façade of the proposed dwelling to the rear of Lyric Cottage would be approximately 15 metres with no direct overlooking. On balance, and notwithstanding the comments received, it is considered that the proposed dwelling would have a satisfactory relationship with the adjacent dwellings.

**C Access and parking (ULP Policies GEN1 and GEN8).**

- 10.7 The proposal seeks to use the existing access to serve Lyric Cottage and the proposed dwelling. The access would be improved as per the requirements of the Highway Authority and can be achieved through conditions relating to the width of the access, pedestrian visibility splays, surface treatment, drainage and parking. The proposed dwelling would be served by two parking spaces which complies with standards.

**D Energy Efficiency and Renewable Energy and Lifetime Homes (ULP Policy GEN2 and SPD).**

- 10.8 Supplementary Planning Guidance “Energy Efficiency & Renewable Energy” seeks to reduce energy use. The development could be subject of a condition to ensure compliance. Supplementary Planning Guidance Accessible Homes and Playspace requires new dwellings to be designed to lifetime homes standard. A condition could be imposed to ensure compliance.

**10 CONCLUSION**

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

- A The principle of a dwelling on the site is acceptable subject to a s.106 agreement relating to the highway requirement for transport enhancements as detailed in the Supplementary Planning Guidance to Takeley/Little Canfield Local Policy 3 Priors Green. The dwelling would be visually acceptable, would have a satisfactory relationship with the occupiers of neighbouring properties and would be served by adequate parking and access.

**RECOMMENDATION: CHAIRMANS AUTHORITY TO APPROVE SUBJECT TO A S.106 AGREEMENT AND CONDITIONS.**

- 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 the policies from the Uttlesford Local Plan (adopted 2005) set out below.

- 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 4 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; b) existing trees, hedges or other soft features to be retained; c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix; d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 5 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 6 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

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

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

- 8 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. 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: 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; include a timetable for its implementation; and 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 and to comply with policy GEN3 of the Uttlesford Local Plan 2005.

- 9 Prior to commencement of 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.

- 10 Prior to the occupation of the proposed dwelling the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

- 11 Prior to the occupation of the dwelling hereby permitted a 1.5 metre by 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splay shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway, in the interests of highway safety and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

- 12 No unbound material shall be used in the surface treatment of the vehicular access 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 and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

- 13 Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interests of highway safety and to comply with policies GEN1 and GEN8 of the Uttlesford Local Plan 2005.

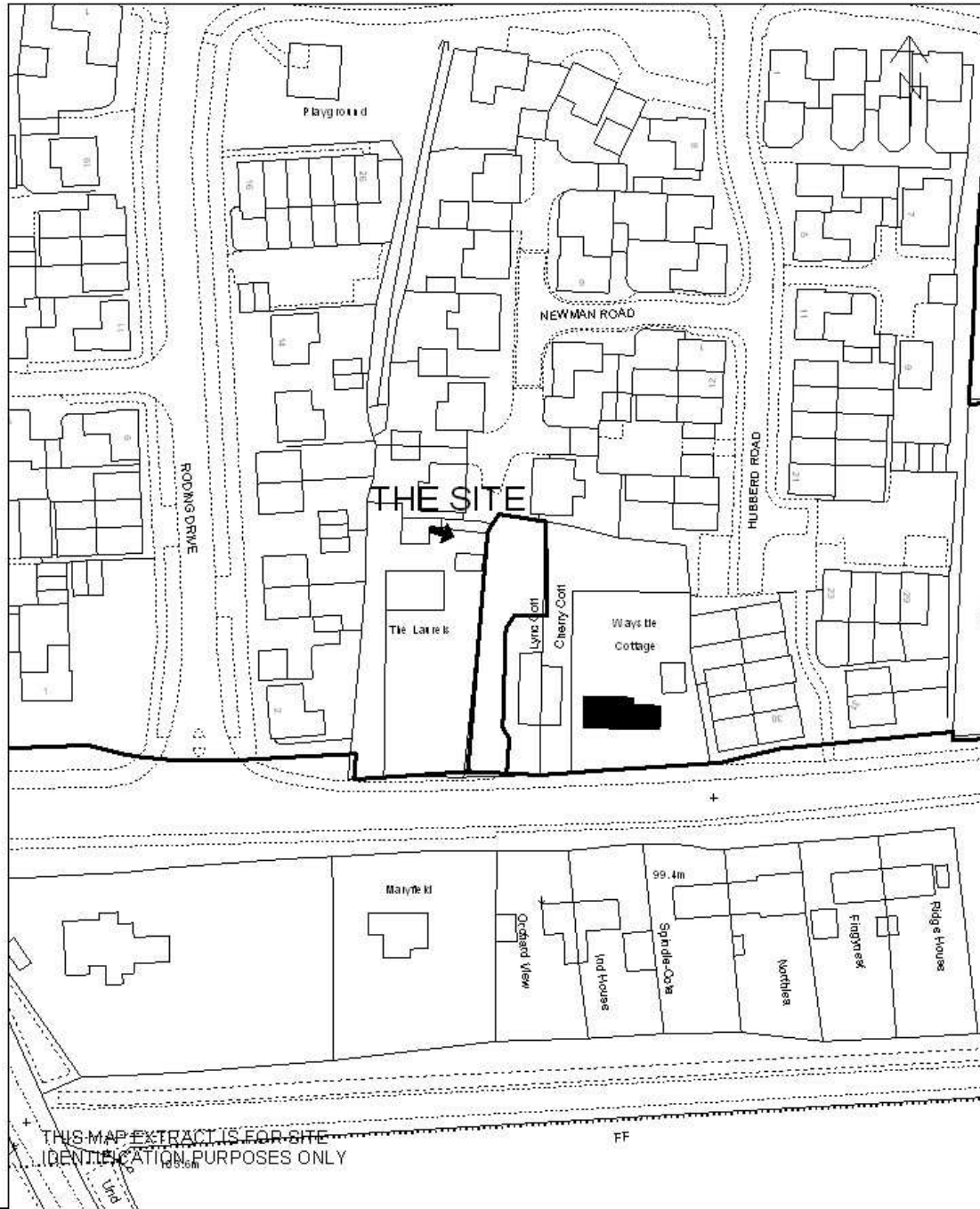
- 14 Prior to the commencement of any development the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with adequate parking area for those employed in developing the site shall take place. Details shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved details.

REASON: In the interests of highway safety and efficiency and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

- 15 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 F 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





THIS MAP EXTRACT IS FOR SITE IDENTIFICATION PURPOSES ONLY

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.

Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Uttlesford District Council Licence No: 100018688 (2007).

DATE 26/01/2012

MAP REFERENCE: IL5621SE

SCALE 1:1000