

UTT/0276/12/FUL – (NEWPORT)

(Referred to Committee by Cllr Wilcock. Reason: Loss of amenity, inadequate parking, inappropriate boundary treatment)

PROPOSAL: Demolition of existing bungalow and construction of replacement dwelling

LOCATION: Carnation bungalow, Cambridge Road, Newport

APPLICANT: Mr and Mrs Tiejido

AGENT: Mr Andrew Boakes

GRID REFERENCE: TL520-348

EXPIRY DATE: 19 April 2012

CASE OFFICER: Nicholas Ford

1.0 NOTATION

1.1 Within Development Limits. Part of garden is flood risk zone 2/3.

2.0 DESCRIPTION OF SITE

2.1 Carnation Bungalow is a detached single storey two bedroom bungalow facing Cambridge Road in Newport. The bungalow is about 5.8 metres high to its ridge. The bungalow lies adjacent an access to commercial units to its northern elevation. It has a rear garden and access to garages of neighbouring properties to the rear. To the south is a two storey dwelling and to the north beyond the access is a two storey dwelling.

3.0 PROPOSAL

3.1 The application proposes the erection of a detached two storey four bedroom dwelling. The dwelling would be about 8.7 metres high to its ridge and 4.7 metres to its eaves. Materials proposed comprise brick, render and timber framing to elevations with a clay tile and timber shingle roof.

3.2 A two bay car port is proposed to the rear beyond a private rear garden. This would be about 5.8 metres high to ridge and 2.3 metres high to eaves.

4.0 APPLICANTS CASE

4.1 See Design and Access Statement. The application is also accompanied by a bat survey.

5.0 RELEVANT SITE HISTORY

5.1 None.

6.0 POLICIES

6.1 National Policies
- National Planning Policy Framework

6.1 Uttlesford District Local Plan 2005

- Policy S3 Other development limits
- Policy H3 New houses within development limits
- Policy H7 Replacement dwellings
- Policy GEN1 Access

- Policy GEN2 Design
- Policy GEN3 Flood protection
- Policy GEN8 Vehicle parking standards

- SPD Accessible Homes and Playspace
- SPD Replacement Dwellings

7.0 PARISH COUNCIL COMMENTS

7.1 Loss of light to rear of 1 Nursery Gardens. Concern for excavation impact on neighbouring property. Two parking spaces inadequate. Discrepancy on car port plans. Query ownership and Party Wall Act. Boundary should be fence and not wall. Require details of rainwater harvesting.

8.0 CONSULTATIONS

- 8.1 Drainage Engineer: Requests a condition to agree surface water drainage works.
- 8.2 ECC Archaeology: Requests a condition for a programme of archaeological work and recording.
- 8.3 Environment Agency: Advise a flood response plan.
- 8.4 Natural England: The protected species survey has identified that bats may be affected by the proposal.
- 8.5 Essex Wildlife Trust: No objections.
- 8.6 Highway Authority: No objections.

9.0 REPRESENTATIONS

9.1 Four. Notification period expired 23 March 2012 raising the following Planning issues:

- Overlook and loss of light to garden.
- Two Storey overbearing
- Impact on residential amenities through loss of light
- Insufficient car parking spaces and access way

10.0 APPRAISAL

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

- **Whether the proposed new dwelling would be compatible with the character of the settlement and neighbouring properties, adheres to criteria of policy H3, has an appropriate layout, scale and design, is acceptable in terms of access and parking and meets accessible homes standards, would not cause flooding (ULP Policies S3, H3, H7, GEN1, GEN2, GEN3, GEN8 & SPD Replacement Dwellings, Accessible Homes and Playspace)**

10.1 The site is located within the development limits of Newport where in accordance with Policy S3 of the local plan development is generally acceptable in principle subject to matters of detail. The principle is considered acceptable. Detailed consideration relates to whether the dwelling would be compatible with the settlement's character.

10.2 The present bungalow is not as high as its neighbours which are two storey and also has a blank elevation close to and prominent with the highway. In that respect it is at odds with its context. The proposed dwelling would be two storey, face the highway and would not be as high as its neighbours to the north and south. It would be of benefit to the street scene that the dwelling would face Cambridge Road and provide an active frontage. The dwelling would also respect the building line set by the dwelling to the south.

10.3 The rear garden would comprise about 100 sqm which would be suitable for a family size dwelling provided permitted development rights are removed for further extensions.

10.4 Adequate off road parking provision is provided. Two off road vehicle spaces are indicated within a car part. This applies with the new car parking standard. The applicant has clarified the car port drawing and this no longer indicates a dormer window.

10.5 Boundary treatment proposed is appropriate comprising a brick and flint wall fronting the dwelling which would be similar to the fronting existing housing and timber fencing adjacent the access which is consistent with existing treatment.

10.6 A bat survey accompanies the application. The report found no bat activity reflected by many cobwebs. The report determines that the building has low habitat potential.

- **Whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ULP Policy GEN2)**

10.7 The dwelling has been designed such that there are no windows in the south elevation adjacent 1 Cambridge Road. To the north elevation facing 1 St. Leonards Close are two first floor windows to serve a landing and bathroom. These are indicated as being obscure glazed and fixed shut. The dwelling would be adequately distant from dwellings to the front and rear. Given this it is considered that there would be no significant harm resulting from overlooking.

10.8 Representation related to amenity is noted. The existing dwelling is within about 1.2 metres of 1 Nursery Gardens. The replacement dwelling would be between about 2.2 and 2.6 metres with 1 Nursery Gardens to the south. The new dwelling would have its rear elevation further back from the existing rear elevation. This relationship would be different but is not considered demonstrably harmful to amenity. Shadowing of the rear elevation would not be so harmful given the distance between side elevations. This is considered the same for impression of scale and overbearing impact.

10.9 Structural issues are relevant to Building Control considerations. Land ownership and the Party Wall Act are not factors for planning consideration.

7.0 CONCLUSION

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

- Subject to conditions it is considered that the replacement dwelling would be in scale and character with neighbouring properties and accord with planning policies and supplementary planning guidance.

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 the Policies S3, H3, H7, GEN1, GEN3 and GEN8 of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on the schedule of materials on the planning application form unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. Notwithstanding the submitted details, before the commencement of development details of surface water drainage works, including full construction details of paved areas, 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.

5. Before any development shall take place on the site the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved by the local planning authority in writing.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with the NPPF.

6. 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 properties in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

7. First floor north elevation windows shall be obscure glazed and fixed shut. No further windows to south or north elevations or roof slope or roof slope

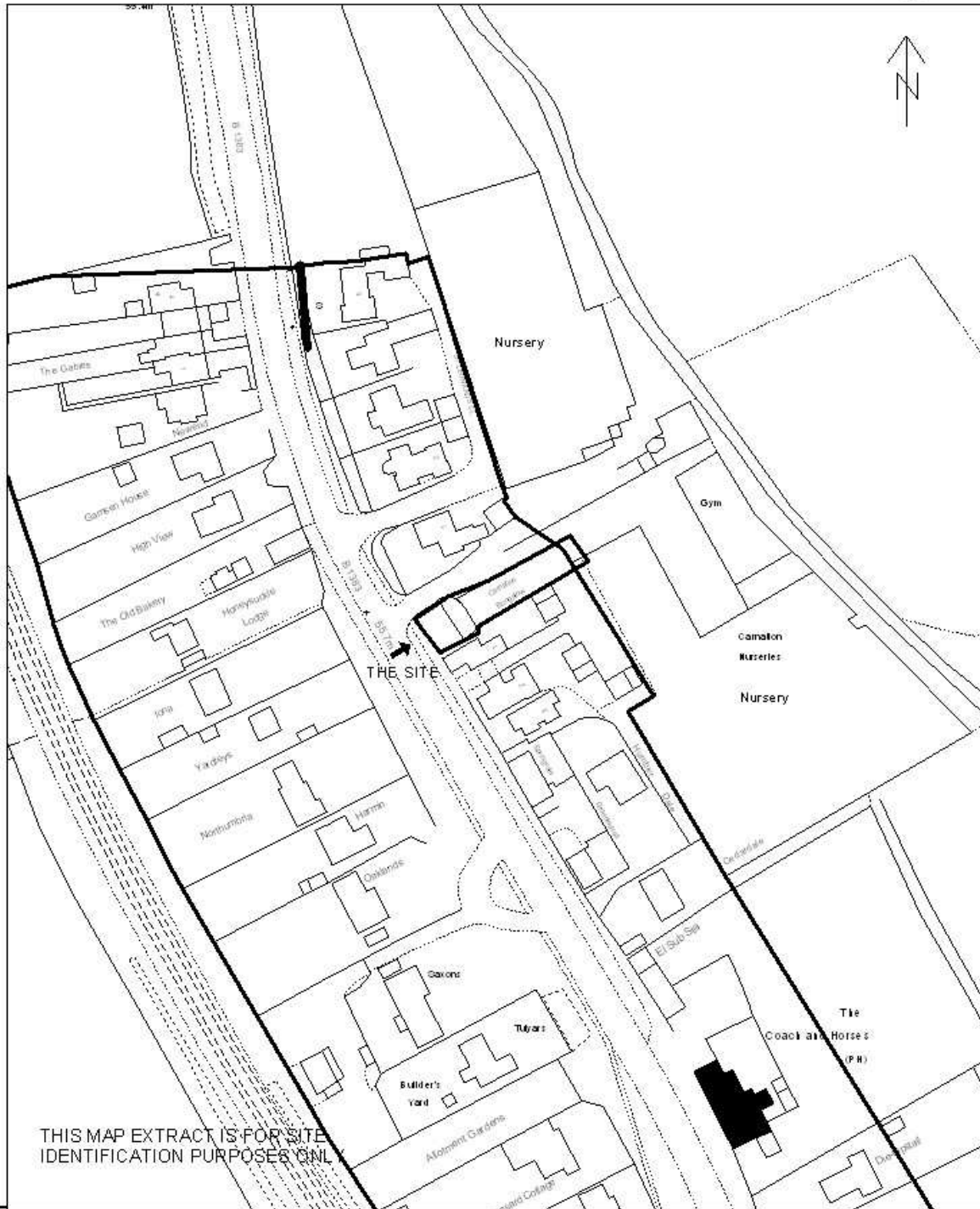
REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

8. Before development commences details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity in accordance Policy GEN2 of Uttlesford Local Plan adopted 2005.

9. 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.

REASON: In the interests of visual amenity and the amenity of neighbouring properties in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.



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