

UTT/0513/12/FUL – (NEWPORT)

(Referred to Committee by Cllr Rose. Reason: Overshadowing, use of access and preserved tree concerns)

PROPOSAL: Erection of new dwelling and garage

LOCATION: Willowchase, London road, Newport

APPLICANT: Mr Bishop

AGENT: Land and County Development

GRID REFERENCE: TL 520-332

EXPIRY DATE: 4 May 2012

CASE OFFICER: Nicholas Ford

1.0 NOTATION

1.1 Outside development limits.

2.0 DESCRIPTION OF SITE

2.1 The application site comprises land to the rear of properties fronting Newport Road and is on land of a higher topography than properties to the east namely the rear gardens of Willow Chase and Chesterton House. There is a detached dwelling named Braeside to the north. To the west, beyond a site recently granted permission for a dwelling, is an agricultural field with the M11 beyond. Access is via Newport Road that passes the northern elevation of Chesterton House. Close boarded fencing runs along the boundary with Chesterton House and Willow Chase.

3.0 PROPOSAL

3.1 The application proposes the erection of a detached two storey five bedroom dwelling to the rear of Chesterton House. The dwelling would have an eaves height of about 5 metres and a ridge height of about 8.2 metres. Materials proposed comprise a brick plinth with weatherboarding to elevations and a plain clay tile roof.

3.2 Site sections have been submitted which indicate excavation of land upto about 1 metre to provide a level surface for the new dwelling.

3.3 Between the new dwelling and the boundary with Chesterton House would be a parking and turning area comprising two off road parking spaces and a single bay garage. The garage would be about 3.6 metres to ridge and 2.4 metres to eaves. Materials proposed comprise brick plinth, weatherboarding and a natural slate roof.

3.4 A garden to the rear west elevation would comprise some 145 sqm.

3.5 Bins stores to cater for six bins are proposed 0.85 x 2.2 metres. The timber containers would be about 1.2 metres high.

4.0 APPLICANTS CASE

4.1 See submitted Design and Access Statement.

5.0 RELEVANT SITE HISTORY

5.1 UTT/2180/11/FUL - refusal of planning permission dated 11 January 2012 for the erection of a dwelling and garage. Reasons included development outside development limits, overlooking of a neighbouring property, insufficient information regarding refuse and recycling facilities and inadequate parking provision.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 The Countryside
- Policy H4 Backland Development
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN8 Vehicle Parking Standards

- Supplementary Planning Document Accessible Home sand Playspace
- Essex County Council Parking Standards

7.0 PARISH COUNCIL COMMENTS

7.1 Object. Oppose backland development. Planning applications should be clarified on the site. Density of development is out of keeping with the area. Overlooking. Increase in vehicle movements on access with inadequate sight lines. Water and stones washed onto the pavement during heavy rain causing a problem to pedestrians, motorists and cyclists. Increasing traffic movements over the drive would exacerbate this. Impact on services. Tree preservation order should be checked. Bat surveys should be undertaken. Construction vehicles would add to problems. There is a problem with Leylandii to the north side of Willowchase.

8.0 CONSULTATIONS

8.1 Highway Authority: No objection subject to use of no unbound material.
Access Officer: The internal layout would meet the requirements of the Supplementary Planning Document.
Landscape Officer: Verbal comment: No objections. The proposed dwelling would be sufficient distance from protected trees to avoid harm.
Climate Control Officer: Requests compliance with Code Level 3 Sustainable Homes.

9.0 REPRESENTATIONS

9.1 One. Notification period expired 13 April 2012.

Chesterton House - Reasons for refusal have not been overcome. The house will overlook my garden and living accommodation. The bin store is unacceptable. I have four bins on the track along with the approved house and the subject property. The bins would be considerable distance from the properties and would have to be agreed up the hill. Refuse would be left outside the developments attracting vermin. The storage area would restrict width for vehicles, would make my parking and turning area unsafe and restrict access to the development and for emergency vehicles.

The parking and turning space at the development is inadequate. The garage does not meet Council guidelines. There is insufficient space to turn a vehicle. Vehicles would park on the track causing noise and nuisance. Extra traffic would damage my fence. There are likely to be many vehicles using the track. There are no traffic calming measures.

The site does not meet the tests of Policy S7 and is vacant and does not appear to be grassland.

The site is covered by a tree preservation order and we have numerous owls, bats and deer. Noise would impact on wildlife. There is no indication of disposal of foul sewerage.

The plans are for a very large site on a small site not in keeping with surrounding properties. A precedent may be set.

10.0 APPRAISAL

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

Whether the principle of a dwelling outside development limits is acceptable, would be appropriate backland development, of appropriate scale and appearance in relation to the character of the area, would preserve the amenity of neighbouring properties and whether the traffic can be satisfactorily accommodated on the surrounding highway network (NPPF, ULP Policies S7, H4, GEN1, GEN2, GEN8, SPD Accessible Homes and Playspace, and ECC Parking Standards).

10.1 The application site although close to existing dwellings in Newport is nevertheless outside development limits as defined in the Uttlesford Local Plan adopted 2005. Countryside protection policy S7 would therefore normally apply.

10.2 Policy S7 of the adopted Uttlesford Local Plan (ULP) states that *“the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”*.

10.3 New dwellings outside of development limits do not normally meet the exceptions of ULP Policy S7 and would fail to protect the character and appearance of the countryside or meet sustainability objectives. Where there are circumstances of exception these generally relate to a demonstrated need to house agricultural workers or for affordable housing.

10.4 Paragraph 6.4 of the Uttlesford Local Plan adopted 2005 does state that sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements will be acceptable if development would be in character with the surroundings, and have limited impact on the countryside in the context of existing development. The site is not a not previously apparent gap which would be suitable for infill development. It is an area of land to the rear of the existing residential properties and as it does not constitute a gap between a small group of properties in a row, the erection of a dwelling on it would not constitute infill development.

10.5 The National Planning Policy Framework is material in determining planning applications. Housing applications are to be considered positively in the context of the presumption in favour of sustainable development (para 49) and housing policies are not up to date if a five year supply of housing cannot be demonstrated. The Council cannot currently demonstrate an adequate five year land supply. In principle, weight should be accorded to the potential of the site as being deliverable. The site is close to the development limit and not unreasonably distant to the train station and local primary school. There is also a farm shop and garage at the junction of Frambury Lane and Station Road. The previous application considered there to be potential that the site could meet sustainable requirements subject to matters of detail and therefore a dwelling could be approved outside the development limit in countryside. The amended application seeks to address this detail relating to overlooking, parking and turning and provision of bin storage.

10.6 The scale and appearance of the dwelling is considered to be appropriate in relation to the character of other dwellings in the vicinity and would employ appropriate materials. The dwelling would be appropriate to a context of surrounding dwellings. The private garden area would be around 145 sqm. This is considered of appropriate size for a five bedroom family dwelling.

10.7 The proposal would be backland development and is to be assessed accordingly against ULP Policy H4. Policy H4, related to development that does not have a road frontage, such as this would allow housing if effective use of land is made, there would be no material overlooking or overshadowing or overbearing effect on nearby properties and access would not cause disturbance to nearby properties. The position of the dwelling has been moved west further from the boundary with Chesterton House with a separation distance from front windows to the boundary of 15 metres; a further metre from the boundary. This is now considered to be an appropriate separation distance to minimise overlooking. There is no other significant concern for overlooking, overshadowing or overbearing impact.

10.9 The application no longer proposes a double garage and indicates two off road parking spaces and a single garage. The proposed garage does not meet the internal space requirements of the new parking standard but there is adequate off road parking proposed for two other vehicles. The layout therefore accords with the parking standard.

10.10 Extra traffic using the access would lead to additional vehicle movements adjacent Chesterton House though the existing access is not hard up against its side elevation and there is, in part, an intervening fence. Traffic would also use this access to serve the permitted dwelling to the west of the application site. With these factors in mind it is considered that additional traffic associated with one further dwelling is unlikely to cause significant material harm from noise or disturbance.

10.11 The Highway Authority has advised that they have no objection to the proposal with regard to highway safety subject to conditions. A turning point is provided within the site and this should allow manoeuvring and sufficiently negate potential for vehicle conflict along the access.

10.12 The previous application did not indicate a collection point for the Council refuse service. An enclosure is now indicated close to the access with Chesterton House. The positioning of the bin store can be agreed by condition and would not therefore conflict with the access of Chesterton House.

10.13 Matters of drainage have been discussed in representation. A condition can be attached to agree a permeable surface to the driveway and parking area to ensure water goes into the ground on site rather than the neighbouring property. Building Control would supervise mains drainage.

7.0 CONCLUSION

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

- Subject to conditions it is considered that the erection of a dwelling and garage would accord with detailed planning policies, meet sustainable development considerations of the NPPF and contribute the Council's shortfall in five year land supply so as to outweigh policy of rural restraint.

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 of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Before development commences details shall be submitted to and approved in writing by the Local Planning Authority indicating the position of refuse and recycling for three standard size wheeled bins with a collection point no further than 25 metres from the public highway. The refuse storage and collection facilities 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.

4. 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).

5. Before development commences details of surface water drainage works shall be 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 all surface water to the ground within the site by means of a sustainable drainage system, which should include levels of the drive, materials to be used and how it would be drained. The results of this assessment shall be submitted to the local planning authority. Subsequently the surface water drainage shall be carried out in accordance with the approved details before the first occupation of the dwellings and maintained in the same condition thereafter.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

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 dwellings/buildings in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 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 premises can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with Supplementary Planning Document - Accessible Homes and Playspace.

8. The development shall be carried out in accordance with the submitted site levels and cross section indicated on drawing 015EJB/2.03 Rev. A.

REASON: To protect the amenity of neighbours and to minimise visual impact in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

9. 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 in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

10. First floor elevation en-suite windows shall be obscure glazed and fixed shut. Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the first floor elevations or roof slopes of the dwelling hereby permitted without the prior written consent of the local planning authority.

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.

INFORMATIVE

All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.



THE SITE →

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