

UTT/1319/12/OP (Manuden)

(Call in request by Councillor Loughlin if to be approved - effect on and potential loss of light to neighbouring properties)

PROPOSAL: Outline application for erection of detached dwelling with 2 No. parking spaces.

LOCATION: No.24 Stewarts Way, Manuden.

APPLICANT: Mr C Green.

AGENT: Lindy Livings & Howes.

GRID REFERENCE: TL ?

EXPIRY DATE: 24 August 2012.

CASE OFFICER: Mr C Theobald

1.0 NOTATION

1.1 Within Development Limits.

2.0 DESCRIPTION OF SITE

2.1 The application site comprises the side garden of No.24 Stewarts Way, a modern two storey tiled and rendered detached dwelling with linked garage situated at the western end of Stewarts Way, a residential cul-de-sac leading off Mailers Lane from The Street. The site is enclosed to the road frontage by 2 metre high mature evergreen vegetation, to the rear boundary by low closeboarded fencing and by 2 metre high close boarded fencing facing onto a hammerhead situated at the western end of the site. Dwellings standing opposite the site have slightly raised floor levels and ramped hardstandings to the road (Nos.25, 27 and 29). Stewarts Way rises gently up from Mailers Lane, although the site itself is relatively level. The site has a stated area of 0.02 hectares. A public footpath runs along the rear boundary of the site onto fields.

3.0 PROPOSAL

3.1 This application seeks outline approval for the erection of a three bedroomed detached dwelling with side parking provision with all matters reserved. The indicative drawings show that the dwelling would have an approximate footprint of 57sqm, would have a height to the eaves of 4.9 metres, a height to the ridge of 7.3 metres and would be tiled and rendered with a brick plinth with a two window frontage. It is stated that the dwelling would be designed to Lifetime Homes standards.

3.2 The drawings also show that the new dwelling would have a private amenity area of some 94sqm where No.24 Stewarts Way would have a resultant reduced garden area of 154sqm. 2 No. tandem parking spaces and garden store would be provided between the east flank elevation of the dwelling and the new boundary line with No.24 with front bin collection point.

4.0 APPLICANT'S CASE

4.1 Summary from accompanying Design and Access Statement:

- The site is situated within a predominantly residential part of the village with nearby village facilities;
- The proposal would make more efficient use of the land within development limits;
- The development would fit in with surrounding properties in terms of scale, layout and design;
- The proposed dwelling and existing house would have private gardens to minimum local authority standards;
- The proposal would not cause any overlooking of neighbouring properties;
- Level access would be provided;
- A previous planning approval for this site was never implemented.

5.0 RELEVANT SITE HISTORY

5.1 Planning permission was granted for 18 dwellings and construction of estate road at Stewarts Way in the 1970s. Outline permission was granted in 1988 for the erection of a two bedroomed dwelling and garage with construction of new access to be built within the side garden of 24 Stewarts Way (UTT/1688/88). Details following outline approved in 1989 (scheme not implemented). The drawings submitted for that single dwelling scheme showed that the new dwelling would be sited in approximately the same position on the site as the current dwelling proposal being considered by Members, although the dwelling would have had the benefit of an attached and recessed garage to the side. It should be noted that the Parish Council objected to that proposal, which also received objections from local residents with reference amongst other things to erosion of existing retained amenity land, increased density, overdevelopment, incompatibility with existing character, loss of residential amenity and precedent. The officer report for that outline application and in response to the representations received stated the following:

"The site is currently bordered by a line of high fir trees and forms part of the garden of No.24 and is sufficiently large to permit a small house as proposed. The neighbours' objections in regard to overdevelopment are noted. However, it is considered that this infilling proposal is appropriate and should have no detrimental effect to the character of the area. Space for two cars to park on the site would be available. There are no sound reasons for refusal which could adequately be supported on appeal".

5.2 It is noted from this outline application that a condition was placed on the planning approval stating that the proposed dwelling shall comprise a two bedroomed dwelling only in order to provide an appropriate level of private residential amenity space for future residents of the dwelling. No planning objections were raised to the subsequent approval of reserved matters with regard to siting, design and policy subject to implementation in accordance with the conditions imposed under the previous outline permission.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF).

6.2 East of England Plan 2006

- Policy SS1: Achieving Sustainable Development
- Policy ENV7: Quality in the Built Environment

6.3 Essex Replacement Structure Plan 2001

- None

6.4 Uttlesford District Local Plan 2005

- ULP Policy S3: Other Development Limits outside Main Urban Areas
- ULP Policy H1: Housing Development Provision
- ULP Policy H3: New Houses within development limits
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design
- ULP Policy GEN8: Vehicle Parking Standards

- SPD "Accessible Homes and Play Space".

7.0 PARISH COUNCIL COMMENTS

- 7.1 Objection: the siting, design and proportions of the proposed dwelling all raise questions:

Over development and intensification: The proposal site is small in size and the proposed dwelling is too large for such a small plot. The resultant reduced garden size for No.24 would be much smaller than those of the surrounding houses;

Scale and Design: The dwelling would be out of proportion and completely out of keeping in terms of design with immediately neighbouring dwellings;

Loss of light and aspect: The development will result in a loss of some light currently afforded to dwellings opposite and a reduction in the views across open fields behind;

Overlooking: Using the normal definition, overlooking of No.27 situated opposite is unavoidable given there will be little more than 10 or 11 metres between the front of the new dwelling and the windows of No.27;

Parking, traffic and congestion: The site is situated along the narrowest part of Stewarts Way where there is already a problem with on-street parking and congestion. The indicated tandem parking is unlikely to be sustainable and will lead to more on-street parking. Delivery trucks and lorries often have to reverse down Stewarts Way when the top turning circle/hammerhead is full of cars and any further development will exacerbate the problem.

8.0 CONSULTATIONS

Thames Water

- 8.1 No objections with regard to sewerage infrastructure capacity. It is the responsibility of the applicant to make proper provision for surface water drainage to ground, water courses or a suitable sewer. Proposed provision should be made for the disposal of surface water storm flows.

Veolia Water

- 8.2 The proposed development site is located within a Ground Water Source Protection Zone (GPZ) corresponding to North Stortford Pumping Station. This is a public water supply comprising a number of chalk abstraction boreholes operated by Veolia Water Ltd. Construction works and operation of the development site should be carried out in accordance with British Standards and Best Management Practices to significantly reduce the risk to groundwater pollution where construction works may exacerbate any existing pollution. Appropriate monitoring and remediation methods will need to be undertaken if any pollution is found at the site.

Essex County Council Highways

- 8.3 No highway objections in principle.

UDC Access Officer

- 8.4 The proposal as indicated meets the requirement of the SPG on Lifetime Homes.

9.0 REPRESENTATIONS

- 9.1 11 representations received (object). Notification period expired 25 July 2012. Site notice expired 27 July 2012.

- 9.2 A summary of the representations are as follows:

- The original estate layout drawing for Stewards Way showed that the area of land forming the application site should be retained as a small area of amenity land;
- The plot size shown for the site is larger than the plan on the Land Registry Title and therefore represents encroachment;
- Overdevelopment of the plot;
- Will increase housing density;
- Dwelling would not be in keeping with the remaining properties in Stewards Way;
- On-street parking would occur, which could cause problems for emergency services;
- Loss of privacy to No.27 Stewards Way due to positioning of proposed dwelling resulting in direct eye to eye contact between bedrooms of each property.

10.0 APPRAISAL

- 10.1 The issues to consider in the determination of this application are:

- A The principle of residential development at this location (ULP Policies S3, H1 and H3)
- B Design and amenity (ULP Policy GEN2)
- C Access and parking considerations (GEN1 and GEN8)

A The principle of residential development at this location

- 10.2 The application site is situated within development limits at the western end of the village where ULP Policies S3 and H3 of the adopted local plan state that infilling with new houses will be permitted if the development would be compatible with the character of the settlement. The site currently forms the side garden of No.24 Stewards Way where planning permission was previously granted for the erection of a

single dwelling with garage in the 1980s representing a suitable residential infill plot as described above. It is considered from this previous assessment and the fact that the proposal would represent a continuation of residential built form along the northern side of Stewarts Way that the proposal is acceptable in principle.

- 10.3 Whilst it is appreciated that this previous grant of permission occurred some 23 years ago, it would appear from the officer report for that approved proposal scheme that little if any has changed regarding the use and appearance of the site in this intervening period. What is different between then and now is the design and size of the proposed dwelling itself, which are discussed below, together with proposed access and parking arrangements, although it should be emphasised that these are all reserved matters.

B Design and amenity

- 10.4 The indicative drawings submitted show how the dwelling would fit onto the site in terms of scale, layout and appearance. The dwelling would have a frontage elevation in line with the adjacent dwelling, No.24 and would have a ridge line level with the ridge line of this property. The proposal is now for a three bedroomed property as opposed to the previously granted two bedroomed dwelling for this site. As such, the increase in footprint size must therefore be viewed in the context of the resultant private garden amenity area to be afforded, availability of parking and adjacent amenity.
- 10.5 The garden area for the proposed dwelling would be slightly lower than the minimum rear amenity standard of 100 sqm as set out in the Essex Design Guide, although would not be so significantly lower than this standard as to sustain a design objection on this basis where similar type applications have previously been granted by the Council elsewhere and where the resultant garden area for No.24 would be acceptable and still exceed this standard. Whilst the appearance of the dwelling as shown would not be identical in terms of design, size and appearance with adjoining dwellings, it would bear similarities and in any event could be modified at reserved matters stage, whilst it would have reasonable space to the side boundaries. In this respect, it is considered that the proposal would not amount to inappropriate design character or overdevelopment of the site.
- 10.6 Concern has been expressed in the representations received that the proposal would result in a loss of residential amenity and most notably a loss of privacy to those properties situated directly opposite (principally No.27) given the indicated siting and positioning of the new dwelling. A distance of 13 metres would exist between the front of the dwelling and the front projection of No.27, which contains a ground floor window with a bedroom window above (with further bedroom window recessed to the side). Whilst the detailed concerns of this neighbour are noted, it is the case that there are no relevant minimum design standards regarding "front to front" distances across residential streets and this was not considered to be a reason for refusal for the previous planning application proposal for this site, which also had front facing windows. The indicative drawings show that the proposal would not lead to any significant loss of light or overshadowing or have any significant overbearing effect on these opposite properties.
- 10.7 The resident concerns about developing on part of the site which was originally reserved and used as open amenity land for Stewarts Way is also noted. However, as previously stated, the site is closed off with 2 metre high closeboarded fencing and frontage evergreen hedging and any open amenity usage of this land has been lost for some considerable period of time. Any reference to legal covenants in

respect of this issue is a civil matter and is not a material planning consideration. Further, the right to a view as also cited is also not a planning consideration.

C Access and parking considerations

- 10.8 The site layout plan submitted with the application shows that the proposed access to the side of the dwelling would be constructed at right angles to the highway and would be able to achieve unimpeded 1.5 metre x 1.5 metre pedestrian visibility splays at the point of access. As such, access provision would be able to be adequately achieved. The layout plan also shows that two tandem parking spaces as a driveway run-in in lieu of a garage would be able to be provided clear of the highway where these are shown to have the appropriate parking bay size of 5.5 metres x 2.9 metres in accordance with current parking standards.
- 10.9 Whilst the plan shows that the site would not be able to accommodate a turning space to enable vehicles to egress in forward gear, it is the case that there are other properties in Stewarts Way comprising part of the original residential development which also have tandem parking where turning is not available. Furthermore, the site is located towards the end of Stewarts Way, which is a quiet residential cul-de-sac and where traffic volume and speeds are very low outside the site. The existing garaged parking arrangements to the "donor" dwelling at No.24 Stewarts Way would not be affected by the proposal. ECC Highways have not objected in principle to the proposal on highway safety grounds.

11.0 CONCLUSION

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

The application site would represent an appropriate infill plot for a new dwelling within development limits where the development proposed would be in accordance with relevant local planning policy.

RECOMMENDATION – CONDITIONAL APPROVAL

1. Approval of the details of the layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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) proposed finished levels [earthworks to be carried out]
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) location of service runs
 - k) management and maintenance details

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 in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005)..

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. Before development commences, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials 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).

8. The plans and particulars to be submitted in accordance with condition 2 above shall include an accessibility statement/drawing. The details submitted shall set out measures to ensure that the dwellings are accessible to all sectors of the community. The dwellings shall be designed as "Lifetime Homes" and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. 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 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).

10. 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 in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the dwelling hereby permitted and any changes in level proposed, together with the proposed floor levels within the dwelling, 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: 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).

12. Tandem parking bay sizes for the development hereby permitted shall be of minimum bay dimensions as set out in the document "Parking Standards - Design and Good Practice", September 2009 published by Essex County Council.

REASON: To ensure a satisfactory level of parking at the site in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

13. Prior to commencement of development the 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 at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

14. 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 interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

15. Prior to occupation of the development a 1.5 metre x 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 splays 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 interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16. 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 ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

+ ECC Highways informative