

UTT/12/5364/OP (Saffron Walden)

(Ward Councillor call-in request on "either way" recommendation)

PROPOSAL: This outline application relates to the erection of a detached dwelling with some matters reserved except appearance, landscaping and scale.

LOCATION: Land at 17 De Vigier Avenue, Saffron Walden.

APPLICANT: Mr T Doughty

AGENT: Kingswood Design Ltd

EXPIRY DATE: 22 November 2012

CASE OFFICER: Mr C Theobald

1.0 NOTATION

1.1 Within Development Limits.

2.0 DESCRIPTION OF SITE

2.1 The application site is situated in an estate position within a residential estate off Radwinter Road on the eastern side of the town and comprises a corner plot containing a two storey three bedroomed semi-detached dwelling of tiled and rendered appearance (No.17 De Vigier Avenue) and an adjacent open plan area to the side between a rendered brick flank boundary of the dwelling and the main estate road. The dwelling on the site faces the road at an oblique angle and forms the end of an adjacent small grouping of similar designed dwellings. A mature tree stands on the open plan area at the front of the site, which forms a streetscene amenity feature.

3.0 PROPOSAL

3.1 This outline application relates to the erection of a detached market dwelling to be sited on the open area of land between No.17 De Vigier Avenue and the main estate road where matters concerning appearance, landscaping and scale fall to be considered. .

3.2 Whilst the application is in outline form only, it is stated that the new dwelling would be of two storeys of brick and tile appearance with an eaves height of 5 metres and a ridge height of 8 metres commensurate with the scale of adjacent dwellings. It is also stated that the front garden of the dwelling would be open-plan consistent with the general open plan nature of the estate.

3.3 An indicative block plan shows that the new dwelling would have a floorspace of 83sqm and have an enclosed rear private amenity space of 96sqm with small front garden. The dwelling is shown to have its northern flank elevation wall abutting the existing southern flank boundary of the adjacent property (No.17) and would be sited approximately 2 metres from the back edge of the existing footpath to the estate road.

4.0 APPLICANTS CASE. See file.

4.1 It is stated in the accompanying Design and Access Statement that:

- The site is zoned as residential;
- The proposal would maximise the use of the site, which comprises level ground
- The size of the site is capable of accommodating a single dwelling
- The dwelling would be in keeping with other properties in the avenue
- The dwelling would have sufficient separation distance from adjacent dwellings
- The rear garden size would comply with Essex Design Guide Standards
- The proposed parking would comply with current parking standards

5.0 RELEVANT SITE HISTORY

5.1 Two storey side extension to No.17 De Vigier Avenue, including extension of garden land by 1.5 metres approved in 2004 (UTT/1813/04/FUL). This permission has not been implemented and is now time expired.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

- ULP Policy S1 (settlement Boundaries for the Main Urban Areas)
- ULP Policy H1 (Housing Development)
- ULP Policy H3 (Infilling with new houses)
- ULP Policy SW2 (Residential Development Within Saffron Walden's Built Up Area)
- ULP Policy GEN1 - Access
- ULP Policy GEN2 - Design
- ULP Policy GEN8 - Vehicle Parking Standards
- ULP Policy ENV3 – Open Space and Trees

7.0 TOWN COUNCIL COMMENTS

7.1 No objections.

8.0 CONSULTATIONS

Fisher German:

8.1 No objections.

Affinity Water:

8.2 The proposed development is located within an Environment Agency defined Ground Water Protection Zone (GPZ) corresponding to Stansted Pumping Station, which is a public water supply comprising a number of chalk abstraction boreholes operated by Veolia Water Ltd.

Essex County Council Highways:

- 8.3 ECC Highways maps show a visibility splay at the junction across the garden of No.17. Therefore, any planning permission granted may not be able to be implemented and the applicant should undertake a highway boundary search to ascertain the extent of the visibility splay. Apart from that, any vehicular access would have to be at right angles to the carriageway even if the adjacent one is not, although I do not have any highway safety concerns regarding this proposal

9.0 REPRESENTATIONS

9 representations received (8 Object, 1 Support). Notification period expired 30 October 2012 (revised notification period on revised layout drawing expired 19 April 2013).

Objection Summary:

- The site is too small to erect a new dwelling
- Small, oddly shaped back garden crammed into a small plot
- Proposal represents garden grabbing
- Would disrupt the line of existing dwellings
- Spacious planning and symmetry of the avenue would be seriously eroded where the dwelling would stand almost up to the pavement out of line with other dwellings
- Currently no large fences exist on the boundaries of any properties within the vicinity
- Established tree would be removed reducing aesthetic quality of this section of the road
- Possibly set a precedent for similar development
- Dwelling would be dangerously close to the internal cul-de-sac junction
- Line of sight for those leaving the cul-de-sac would be affected
- Proposal would increase on-road parking given increasing number of cars per household
- The dwelling would block views from the group of dwellings situated behind it
- Would lower value of a property already compromised by adjacent pipeline way leaves
- Whilst the proposal would be for an affordable housing unit, plans already exist to build several hundred new homes on the greenfield site on the other side of Ashdon Road directly opposite De Vigier Avenue.

Support:

- This land is part of my garden and during the ten years that I have lived there I have had many incidents with children and youths thinking it is common ground. The latest incident being a group of youths deciding to have a party on the land at 9pm at night bringing with them alcohol and very loud music. I also have dogs (albeit with their owners) fouling and running over my garden all the time. I think that in most incidents people are not aware that this is my garden, which is very frustrating as it is me that constantly has to clear the debris left from unwanted visitors. I could at anytime decide to fence in this land and remove the tree and incorporate this land into my back garden, which is why I find the comments from my fellow neighbours with regards to the open expanse of land to be without validation.

10.0 APPRAISAL

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

- A Principle of development / Design (appearance, landscaping and scale) (NPPF and ULP Policies S1, H1, H3, SW2 and GEN2);
- Other Matters: Access and parking (ULP Policies GEN1 and GEN8);

A Principle of development / Design (appearance, landscaping and scale) (NPPF and ULP Policies S1, H1, H3, SW2 and GEN2)

- 10.1 The application site is situated within the town's development limits and comprises an open plan grassed area between the side of No.17 De Vigier Avenue and the main estate road, although is within the stated control of the applicant according to the submitted application details. The NPPF has a presumption in favour of sustainable development and states that LPA's should grant permission for such development proposals where they would otherwise be in accordance with local development plan policies, whilst ULP Policy GEN2 states that development shall be compatible with the scale, form, layout, appearance and materials of surrounding buildings and safeguards important environmental features in its setting. Arguably, the proposal can be defined as infill development where ULP Policy H3 applies, although the dwelling in this respect would occupy a corner plot position rather than being erected within a space between dwellings.
- 10.2 A revised site layout drawing has been submitted by the applicant since receipt of the application whereby the footprint of the proposed dwelling has been set back from a position immediately adjacent to the frontage public footpath to a position 2 metres back in from the footpath as stated above. This also appears to show a bungalow rather than a two storey dwelling as originally submitted. The dwelling would by its forward siting between Nos.17 and 19 De Vigier Avenue onto the road appear as a very prominent built form within this pleasant open plan frontage corner position where sight lines are currently afforded along a continuous straight stretch of the avenue from the beginning of the estate up to a bend some 90 metres in the distance and where the dwelling would represent an incursion into this space in the form of a significantly disruptive and incongruous building element. As a result, it is considered that the proposed development and any establishment of a boundary wall or fence on this area would have a seriously detrimental effect on the character of the locality where it would be disruptive to the established pattern of dwellings and would lead to a loss of the sense of openness which is currently readily apparent along this section of the streetscene.
- 10.3 Whilst a reserved matter, the indicative site layout submitted shows that the dwelling would have a private garden amenity area of some 96qm. Notwithstanding that this garden size would be close to the 100sqm minimum Essex Design Guide standard, the dwelling would appear as a crammed development within an irregular and oddly shaped plot where the street pattern on the northern side of the road leading into the adjacent cul-de-sac is characterised by semi-detached dwellings, all of which have defined front gardens and generous square, or virtually square back gardens. Given this, the proposal would fail to be compatible with the layout of surrounding buildings.
- 10.4 ULP Policy ENV3 states that "The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value". Within the preamble to this policy, it is further stated that "Other smaller spaces of importance will also be protected where development would be inappropriate...".
- 10.5 The current open nature of the front of the site is considered valuable to the visual amenities of the streetscene. Further, whilst the tree on the site is not subject to a

TPO, it is considered nonetheless that this feature contributes to the attractive nature of the open space running along this section of the estate road and that if it were lost to the proposed development the character of the locality would be changed to its detriment.

C Other matters: Access and parking (ULP Policies GEN1 and GEN8);

- 10.6 ECC Highways have not raised any highway objections to the proposal, although have commented that the applicant may not be able to implement the proposal in any event given that Highway records show a visibility splay existing at the avenue junction with the adjacent cul-de-sac where this goes across the side garden of No.17. They have additionally commented that any vehicular access would have to be at right angles to the carriageway even if the adjacent access is not.
- 10.7 Parking for the new dwelling is shown to be in the form of 2 No. tandem parking spaces on a new driveway off the estate road parallel to the neighbouring tandem parking arrangements and garages behind for the adjacent group of dwellings, including parking for No.17 itself. Similarly, no objections have been raised by ECC Highways regarding the indicative parking arrangements shown for the proposed dwelling.

11.0 CONCLUSION

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

- The proposal would by its prominent siting at this corner position be harmful to the visual qualities of the locality and result in a loss of the sense of openness of this part of the streetscene contrary to ULP Policies H3, GEN2 and ENV3 where no evidence has been submitted by the applicant to attempt to demonstrate how the need for the proposed development would outweigh the loss of amenity which would result.

RECOMMENDATION – REFUSAL

The proposed dwelling by its siting would have a seriously detrimental impact upon the character and visual qualities of the locality where the development would result in the loss of a visually important open space at this prominent open plan estate position contrary to ULP Policies H3, GEN2 and ENV3 of the Uttlesford Local Plan (adopted 2005).