

## UTT/13/2839/FUL (TAKELEY)

*(Called in by Cllr Cheetham: Concerned about the impact this development would have on the neighbouring properties.)*

**PROPOSAL:** Extension, alteration and conversion of existing dwelling to create to a pair of semi-detached dwellings

**LOCATION:** Silverdale, The Street, Takeley, Bishops Stortford, CM22 6LY

**APPLICANT:** Mr & Mrs M Jones

**EXPIRY DATE:** 18 December 2013

**CASE OFFICER:** Madeleine Jones

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### **1. NOTATION**

1.1 Outside Development Limits. Countryside Protection Zone

### **2. DESCRIPTION OF SITE**

2.1 This application relates to a detached bungalow located to the southern side of Dunmow Road. The site is situated just outside of the development limits of Takeley Street. The bungalow is modest in scale with flat roof additions to the east and rear elevations. It comprises red brick to the walls under a slate roof. There is a detached garage located to the south west of the dwelling with vehicular access to the west side of the site.

### **3. PROPOSAL**

3.1 It is proposed to raise the roof of the existing building to incorporate first floor accommodation. This includes the enlargement of its footprint forming a two storey extensions to the east side, front and rear elevations. The proposed dwelling would have a mansard roof form. The dwelling would have external materials of brick, render and timber boarding to the elevations under a plain tiled roof.

3.2 The proposal would create a pair of semi-detached dwellings with e bedrooms each. The plans show that the pair of dwellings would be 13m wide, 13.6m deep (reducing to 9m) and 7.5m high.

3.3 Six parking spaces would be provided and a new access onto the Dunmow Road would be created.

The proposal also removes the existing outbuildings.

### **4 APPLICANT'S CASE**

4.1 A Design and Access Statement has been submitted with the application, this outlines the design proposal for the site and demonstrates how important guidelines from the Uttlesford District Council and Government design criteria have been addressed.

4.2 The application is supported by an Initial Biodiversity Report.

## **5.0 RELEVANT SITE HISTORY**

- 5.1 UTT/12/5839/HHF – Raise the roof to incorporate first floor accommodation, two storey front and rear extensions and erection of outbuilding. Conditional Approval

## **6.0 POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (2012)

### **6.2 Uttlesford District Local Plan 2005**

- Policy S8 – The Countryside Protection Zone
- Policy S7 – The Countryside
- Policy GEN2 – Design
- Policy H5- Subdivision of Dwellings
- Policy GEN1 – Access
- Policy GEN8 – Vehicle Parking Standards
- Policy GEN7 – Nature Conservation
- SPD – Developers Contributions – Affordable Housing
- SPD – Accessible Homes and Playspace
- SPD Energy Efficiency and Renewable Energy
- Uttlesford Local Parking Standards

## **7. PARISH COUNCIL COMMENTS**

This proposal will result in the loss of single storey accommodation & does not meet the criteria of local housing needs. There is a need for 2 bed single storey homes. The proposal is incongruous with the street scene. The proposal would be overbearing on neighbouring properties (Lolands, Grassmere) which are single storey bungalows. TPC would recommend a single storey/chalets style development. Again, the current proposal (2 x 4 bed semi) does not meet local housing needs. TPC considers this to result in over-development of the site. It would result in a substantial and unacceptable increase in vehicle movements entering/exiting the B1256 which is a busy road. The proposal would have an overbearing impact on neighbouring properties (Lolands, Grassmere) which are single storey bungalows.

## **8. CONSULTATIONS**

### **Essex County Council Highways**

- 8.1 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. SE-200.04 Rev C subject to conditions:

#### **Access and Equalities Officer**

- 8.2 No objections

#### **Aerodrome Safeguarding**

- 8.2.1 No objections

#### **Natural England**

- 8.3 Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

### **Thames Water**

- 8.5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

## **9 REPRESENTATIONS**

- 9.1 Site Notice displayed and the occupiers of 13 neighbouring properties notified via letter. No letters of objection have been received. Expiry date 11<sup>th</sup> December 2014

## **10 APPRAISAL**

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

- A The principle of development of the site for housing (ULP policies S8, H5)
- B The proposed access to the site and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- C Design, scale and impact on neighbours amenity (ULP Policy GEN2,& SPD Accessible Homes and Playspace, SPD Energy Efficiency)
- D Impact on nature conservation (ULP Policy GEN7)
- F Affordable Housing (Developer Contributions Guidance Document)

### **A The principle of development of the site for housing (ULP policies S7)**

- 10.1 The site is located outside any development limit within the Countryside Protection Zone (CPZ) surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and that there will be strict control on new development. In addition, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted.
- 10.2 However, a material consideration is the recent approval for the property to be extended under planning permission UTT/12/5839/HHF to create a six bedroomed property. If that planning permission were to be implemented then the applicant could apply for that property to be subdivided into two dwellings, which would be acceptable

under the provisions of Local Plan policy H5 which states that the subdivision of dwellings into two or more units will be permitted if the character of the area would not adversely be affected. Taking into account the development already approved, and that there is an array of dwelling types in close proximity to the site, in this instance, it is not considered that the proposed extensions and the creation of two dwellings would have any significantly harmful impact on the visual amenities of the street scene in this particular location

**B The proposed access to the site and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);**

10.3 The proposal is for the creation of a new access point to the north east of the site. Essex County Council Highways have no objections to the proposal in this respect.

10.4 The adopted vehicle parking standards require that new four bedroom properties have three parking spaces. The proposal has been revised and the parking provision is adequate for the size of the properties. There is also provision on site for the turning of vehicles so that vehicles can leave the site in forward gear. As such the proposal is in accordance with the requirements of GEN1 and GEN8 of the Local Plan

**C Design, scale and impact on neighbours amenity (ULP Policy GEN2,& SPD Accessible Homes and Playspace, SPD Energy Efficiency)**

10.5 This proposal is very similar to the design and scale of the development already previously approved. The footprint of the new dwellings is the same as previously approved. The neighbouring property immediately to the east of the site comprises two-storeys and is of a mansard form and therefore the principle of this style of building is already established in this short row. The property to the west remains a bungalow, however has been significantly extended to the rear with a sprawling footprint. On the adjacent side of the road, to the north east, a number of modern two-storey dwellings have been constructed in close proximity to the road. There is an array of dwelling types in close proximity to the site and therefore in this instance, it is not considered that the proposed extensions would have any significantly harmful impact on the visual amenities of the street scene in this particular location.

10.6 The previously approved application considered that the proposal would not be unduly overbearing on the neighbouring properties or cause any material overshadowing. This proposal is of a similar scale and design to that already approved. The proposal has been revised, removing bedroom windows to the side elevation facing Lolands. The dwellings would be located 12.4m from the side elevation (where there are windows) of Lolands. The first floor windows in the western elevation all serve bathroom accommodation and therefore any permission can be conditioned to ensure these windows are glazed with obscure glass to prevent 'Lolands' from being overlooked. 'Latymers' to the east is two-storey and is situated on a footprint set back from the application building. It has only one window in its western side elevation. A first floor window is proposed in the eastern side elevation of the building; however this would roughly align with the front of the neighbouring property and only allow views into the front (non-private) garden of Latymers. The extensions would not extend beyond the rear elevation of Latymers.

10.7 Both properties would have private gardens in excess of the 100m<sup>2</sup> recommended in the Essex Design Guide.

## **D Impact on nature conservation (ULP Policy GEN7)**

10.8 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

10.9 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.10 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- There must be "no satisfactory alternative"; and
- The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

10.11 A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. The biodiversity questionnaire answered no to every question except that the site is within 500m of Hatfield Forest. The proposal does not involve the removal of any trees (apart from an insignificant small tree to the front), it is considered that the proposal would not have the potential to have a detrimental impact to protected species. The rear garden consists of close mown grass and therefore it is unlikely that any newts or reptiles would be adversely affected by the development.

## **F Affordable Housing (Developer Contributions Guidance Document)**

10.12 In June 2013 The Council adopted a guidance document in respect of developer contributions. The Council has adopted a Housing Strategy (2012) which sets out the Councils approach to housing provision over the next three years. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the district. The Strategic Market Area Assessment supports the provision of a range of affordable housing and suggests that a financial contribution should be made on sites of 1-4 dwellings. The proposal would result in one new dwelling. It states that on a 1 unit development a

contribution that equates to 20% of 1 full plot value for the locality should be made. The land value must be provided by an independent valuer on a site specific basis.

## **10 CONCLUSION**

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

- A Taking into account the development already approved under UTT/12/5839/HHF, The proposal is acceptable.
- B Adequate parking provision and access can be provided.
- C The design, scale and form of the development is unacceptable
- D The proposal would not have any material detrimental impact on biodiversity.
- F The affordable housing contribution can be secured by a section 106 should the application be recommended to be approved

### **RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 OBLIGATION**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
  - (i) Affordable Housing Financial Contribution**
  - (ii) Pay the Council's reasonable costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an agreement by 29 January 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
  - (i) Lack of affordable housing financial Contribution**

### **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. Before the first occupation of the dwellings hereby permitted the windows at first floor level in the west side elevation shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

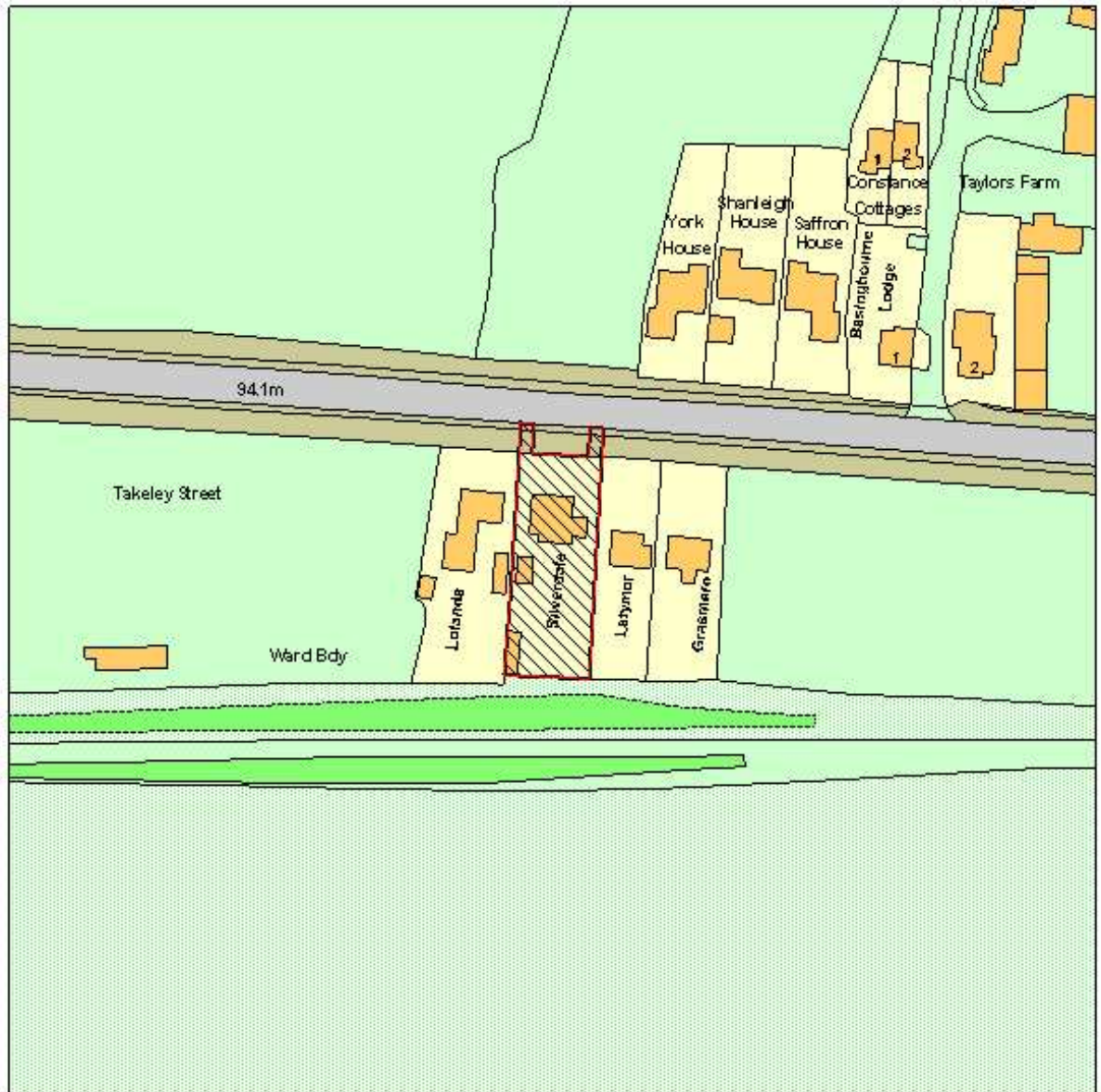
REASON: In the interests of the amenity of surrounding residential uses in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Prior to occupation of the 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/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Uttlesford Local Plan policy GEN1

# UTT/13/2839/FUL

## Silverdale, The Street, Takeley



Scale: 1:1250

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Organisation	Uttlesford District Council
Department	Planning and Building Control
Comments	
Date	03 January 2014
SLA Number	Not Set