

UTT/14/1999/FUL (STANSTED)

(Referred to Committee by District Councillor Salmon as flooding, turning circle and TPO issues, discrepancy in plans, loss of privacy and overlooking)

PROPOSAL: **Erection of 1 no. detached dwelling**

LOCATION: **Land at 40 Bentfield Road, Stansted Essex CM24 8HP**

APPLICANT: **Mrs L Luther**

AGENT: **Philip Livings Ltd**

EXPIRY DATE: **3 September 2014**

CASE OFFICER: **Samantha Heath**

1. NOTATION

1.1 Within development limits; TPO in neighbouring adjacent garden.

2. DESCRIPTION OF SITE

2.1 This application relates to an area of existing garden land to the east of No.40 Bentfield Road. The land is currently grassed with a large shed on the southern boundary with the neighbour. The site is bounded by 1.8m close boarded fencing and tall leylandii trees on the eastern boundary, 1.8m close boarded fencing on the southern boundary (there is a TPO beech tree in the neighbouring garden close to the boundary) and 1.8m close boarded fencing with established hedging on the northern boundary. The application site measures approximately 28m along the rear eastern boundary, 23m along the front western boundary, 14.5m along the northern side and 16m along the southern, totalling approximately 410sqm. No.40 is a detached 1½ storey dwelling set at back from the road on the eastern side, it is located within an established residential area, and there is a mix of housing sizes and designs in the near vicinity with two storey dwellings and bungalows.

3. PROPOSAL

3.1 It is proposed to erect one detached dwelling on this site. The detached single storey dwelling would be rectangular shaped, have two bedrooms and have dimensions of 10m in width and 8.7m in depth. It would have an eaves height of 2.3m and a maximum ridge height of 4.5m. The external materials of the building would be brick with concrete tiles and timber fenestration. It would have approximately 120sqm of rear and side gardens. The existing dwelling would have approximately 140sqm of rear garden remaining.

3.2 Access to the site will be from Bentfield Road via a new shared driveway (the existing would be closed) running along the southern side of the plot. Two parking spaces are proposed for the new dwelling and three for the existing dwelling at 2.9 x 5.5m.

3.3 This application follows a previously approved outlined application, UTT/13/3345/OP.

4. APPLICANT'S CASE

4.1 See Design and Access Statement.

5. RELEVANT SITE HISTORY

5.1 UTT/0180/05/FUL Erection of a single storey dwelling. Refused 05.09.05. Dismissed at appeal – harm to neighbouring properties, cramped and out of character, safety hazard to pedestrians and vehicle drivers due to lack of turning space.

5.2 UTT/13/3345/OP Outline application for the erection of 1 no. dwelling with all matters reserved except appearance and landscaping. Approved 17.01.14

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S1 – Development limits for the Main Urban Areas
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy H3 – New houses within development limits
- UDC Parking Standards
- SPD Accessible Homes and Playspace

7. PARISH COUNCIL COMMENTS

7.1 Concerns remain as to the adequacy of this backland site for housing. Following the application being called in, the site visit should consider the issues surrounding a tree with a TPO, the impact of using the long drive on the amenity and living conditions in neighbouring properties (noise and light pollution), the adequacy of the proposed turning circle, possible flooding concerns and the site lines onto Bentfield Road.
Expired 06.08.14

8. CONSULTATIONS

Thames Water

8.1 Surface Water Drainage - 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.
Expired 30.07.14.

ECC Highways

- 8.2 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. 7114 subject to conditions.
Expired 30.07.14.

Landscape Officer

- 8.3 Proposal is acceptable subject to condition.

9. REPRESENTATIONS

- 9.1 51 Neighbours were notified. Consultation expired 30.07.14.
6 letters of objection received– Roof is higher than previously approved application, TPO tree and hedge not shown on drawings, impact on TPO tree, not in keeping with local area, access to site is limited, turning area too small, may cause flooding to neighbouring gardens, impact on enjoyment of neighbouring garden, measurements not correct on plan, loss of amenity privacy due to noise, vibration from vehicles, light pollution, overlooking, cramped, out of character, highway safety, access does not conform to conditions required by ECC Highways, could be made into three bedroom dwelling, devalue property.

10. APPRAISAL

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

- A The principle of development of the site. (NPPF and ULP Policies S1 and H3).
- B Design and visual impact (ULP Policies H3 and GEN2).
- C Impact on residential amenity (ULP Policies H3 and GEN2)
- D Whether parking provision and access is satisfactory (ULP Policies GEN1 and GEN8 and UDC Parking Standards)
- E Impact of the proposal on Protected Species (ULP Policy GEN7)
- F Impact on TPO tree (ULP Policy ENV3)

A The principle of development of the site

- 10.1 The site is located within the development limits for Stansted and as such ULP Policies S1 and H3 apply. These are permissive policies where planning permission will be granted for development that is compatible with the settlements character. The land in question is garden land. Policy H3 of the Local Plan states that infilling with new houses will be permitted if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This is considered below.

B Design and visual impact

- 10.1 The character of this area of the village is not uniform; there is a mixture of single and two storey dwellings of differing size, scale and design. There are dwellings either side and to the rear of this plot.
- 10.2 The outlined application indicated a single storey L-shaped dwelling located approximately 1.5m from the eastern boundary of the site; it had a footprint of 10.5m in width and 10m in depth, totaling 87sqm and 4.2m to the ridge. This application remains the same footprint but is 0.3m taller in height, it is rectangular shaped and is 2.5m away from the eastern boundary. The neighbouring properties in the immediate vicinity are two storeys in height and this proposed dwelling is single storey, however there are other bungalows in the near vicinity, it is considered therefore that the building would not be of uncharacteristic scale. The materials proposed are appropriate in relation to the character and appearance of the area and can be controlled by condition if necessary. The erection of this dwelling on this site would be compatible with the settlements character.
- 10.3 The proposed design is relatively small in scale with a footprint of approximately 87m². It is not considered that the proposal would be unduly out of keeping with the character of the existing dwellings in this locality. The existing dwelling on the site has a slightly larger footprint but there are other dwellings in the near vicinity with a similar footprint. However the proposed footprint is considered to be the maximum that could be satisfactorily accommodated on this site and for this reason permitted development rights will be removed to prevent overdevelopment and in the interests of the amenity of the occupiers of adjoining dwellings.
- 10.4 Parking provision for the proposed dwelling is proposed to be to the side of the new dwelling and to the front of the host dwelling, this is not considered to be out of keeping with the local area. Garden sizes are in accordance with recommended 100sqm for three bedroom dwellings (host dwelling) and 50smq for the two bedroomed new dwelling and is in fact in excess of the requirement within the Essex Design Guide. The design of the proposed dwelling is typical of a bungalow of this region and uses traditional materials commonly seen in Essex.
- 10.5 Taking all of the above into account, in this instance, it is not considered that the impact of the proposal on the visual amenities of the locality would be so great that permission could be refused on this basis.

C Impact on residential amenity

- 10.6 With regard to impact on residential amenity, the proposal has been revised from the outlined application and is sited further away (2.5m) from the eastern boundary; the height of the dwelling has increased by 0.3m.
- 10.7 It is considered that the amenity of the neighbouring properties is protected in terms of overbearing and overshadowing impact. Whilst the height of the proposed dwelling has increased from outlined stage (by 0.3m), there would be approximately 15m between the front elevation of the proposed dwelling and the rear of No.40 (1.8m close boarded fencing is proposed on the boundary), approx. 17m between the rear elevation of the new dwelling and those of the properties in Bentfield Gardens and approximately 18m from the rear elevation of 38A Bentfield Road. The plot is wide and deep enough so that the building would not be unduly overbearing or have a significantly detrimental impact regarding overshadowing to neighbouring properties.

- 10.8 At outlined stage the proposed dwelling did not propose any windows in the eastern elevation, this was considered to be acceptable in order to protect the amenity of properties in Bentfield Gardens which back on to the proposal site as any windows in this elevation would overlook the rear gardens. This proposal has two windows on the eastern elevation serving the bedroom and lounge. It is considered that these could give rise to an unacceptable level of overlooking and for this reason a condition will be imposed requiring the removal of these and preventing any windows or rooflights being inserted at a later date. Both the bedroom and lounge have a window remaining in north and south elevations respectively so daylight to these rooms will be sufficient.
- 10.9 The proposal does include windows on the side and front elevations however as these are at ground floor level and any potential overlooking would be mostly at an oblique angle and more than 10m away therefore not significant enough to warrant refusal. It is therefore considered that there will be no significant overlooking impact to immediate neighbours.
- 10.10 In consideration of the above therefore, it is believed that there would be no material significant overlooking, overshadowing or over bearing effect.
- 10.11 The amenity of neighbouring residents is to be considered with regard to traffic movement, associated noise and disturbance. The land is currently garden land and has the normal associated domestic activity and disturbance. The introduction of one new dwelling would result in vehicle movements close to the neighbouring property (38A) however, vehicle movements associated with one dwelling is not considered to be significantly detrimental enough to warrant refusal.
- 10.12 With regard to neighbours' concerns regarding flooding, the site is not located within a flood zone and the issue regarding potential surface water run-off is an issue that is controlled by Building Regulations.

D Whether parking provision and access is satisfactory

- 10.13 A new access is proposed to run along the southern boundary and would be used to serve the existing dwelling and the new dwelling. The access would be approximately 5m wide. Essex County Council Highways Authority has no objection subject to conditions to the proposal as it is not contrary to the relevant transportation policies contained within the Highways Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1. The use of the proposed access would not have any harmful impact on highway safety in this location. The submitted details show that there would be adequate space within the site for the parking of three vehicles off road for the existing dwelling and two spaces for the proposed new dwelling. The indicated spaces are of a number and size that complies with current adopted standards.
- 10.14 The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of one dwelling would not generate a volume of traffic that would impact on the surrounding transport network.

E Impact of the proposal on Protected Species

- 10.15 With regard to ecology, the answers to the submitted biodiversity checklist and the Officer's site visit have shown that the proposed development would not have any impact on any protected species. Whilst there are hedges on the boundaries of the site

these are not proposed to be removed and a condition regarding proposed landscaping will be imposed.

F Impact of the proposal on TPO tree

10.16 A beech tree with a TPO is situated in the neighbouring garden of No.38A Bentfield Road close to the boundary with the site. The Council's Landscape Officer has been consulted and is satisfied that subject to the imposition of a condition regarding a "no-dig" solution that the health of the tree will be protected.

11. CONCLUSION

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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 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) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

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 Policy GEN2 of the Uttlesford Local Plan adopted 2005.

3. Before development commences full details of a no dig solution in respect of the driveway and parking areas shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved.

REASON: To ensure that the TPO tree in the adjacent garden shall be protected in accordance with Policy ENV3 of the Uttlesford Local Plan adopted 2005.

4. 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 5 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 Policy GEN1 of the Uttlesford Local Plan adopted 2005.

5. 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 Policy GEN1 of the Uttlesford Local Plan adopted 2005.

6. 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.

7. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

8. The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

REASON: In the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

9. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.

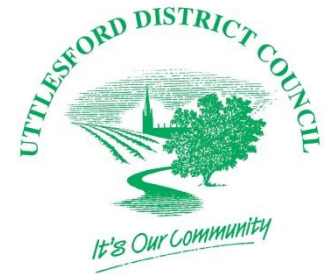
REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

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 and in the interests of the amenity of the occupiers of adjoining dwellings/buildings in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

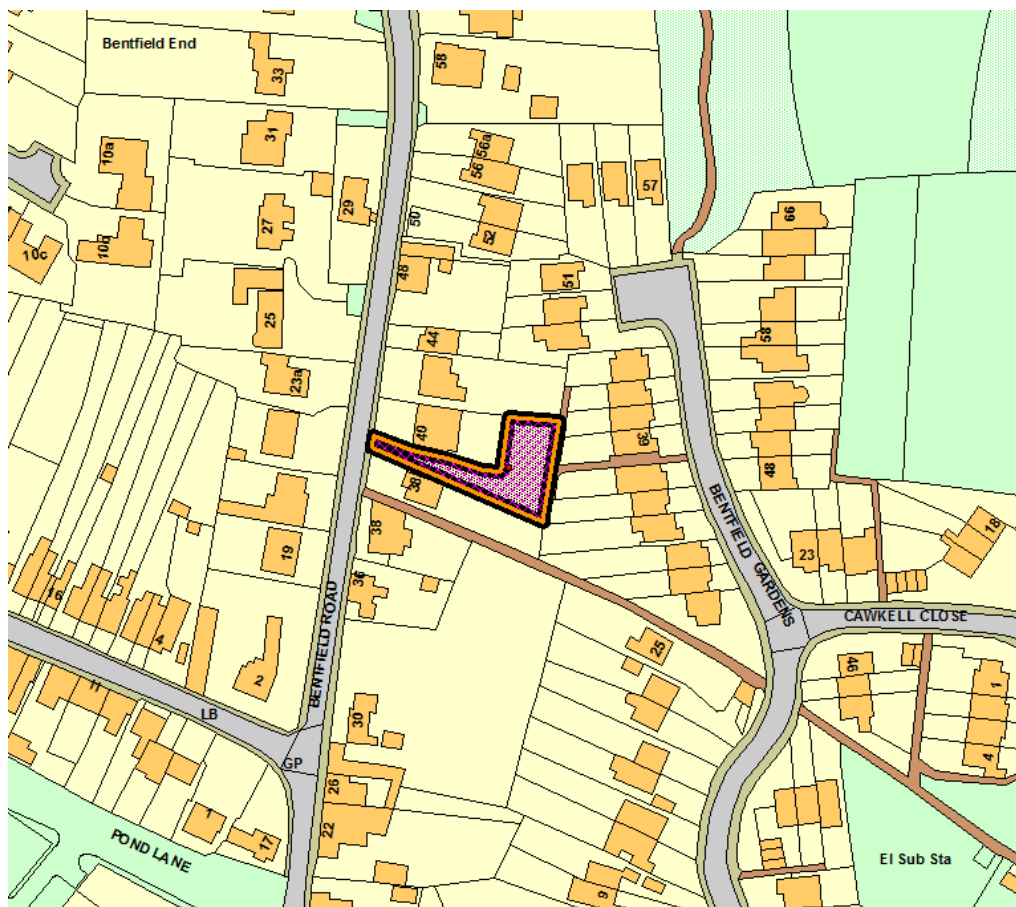
11. The proposed ground floor windows on the eastern rear elevation as shown on submitted drawing 7114 shall be omitted and no further windows [rooflights, or other form of opening] shall be inserted into this elevation without the prior written consent of the local planning authority.

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



Application no.: UTT/14/1999/FUL

Address: Land adj 40 Bentfield Road Stansted



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