

## **UTT/14/2862/FUL (SAFFRON WALDEN)**

(Referred to Committee by Cllr Perry - Reason: Design and impact: The infilling of the car ports to garages is contrary to that approved, will change the impact of the build and cause amenity problems for neighbours)

**PROPOSAL:**                    **Erection of 3 No. dwellings, garages, new access road and associated works – revision to planning permission UTT/13/3206/FUL**

**LOCATION:**                    **44 Landscape View, Saffron Walden**

**APPLICANT:**                **Carr Lillywhite Ltd.**

**AGENT:**                      **The Clarke Smith Partnership**

**EXPIRY DATE:**            **17 November 2014**

**CASE OFFICER:**          **Clive Theobald**

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### **1. NOTATION**

1.1 Within Development Limits.

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

2.1 The site comprises a rectangular and relatively flat parcel of land of approximately 0.15 ha. lying between Nos.42 and 46 Landscape View close to the turning with Seven Devils Lane at the southern end of the town. The site is bordered on its northern side by a two storey detached dwelling with long rear garden (No.42 Landscape View), on its southern side by a detached bungalow (No.46 Landscape View) and to the rear by a further two storey detached dwelling set at an angle to the rear boundary (Hazelwood). A 1930's period dwelling which previously stood on the site has recently been demolished and the site plot now represents a development site.

### **3. PROPOSAL**

3.1 This revised full application seeks minor design revisions to approved application UTT/13/3206/FUL relating to the erection of 3 No. dwellings, car ports, new access road and associated works where it is proposed to substitute car ports originally shown for the approved scheme to garages by infilling the sides and rear gable ends of the car port structures and extending their length by 0.4m to 7 metres. The garages would be externally clad to both the sides and rear with featheredged boarding on brick plinths, whilst the roofs to the garages would be clad with plain clay tiles as previously approved for the car ports. The garages would have a height to the ridge of 5.5 metres with a 42 degree pitch also as previously approved for the car ports (no change).

3.2 No design or fenestration changes are proposed to the three approved dwellings themselves with the exception of the inclusion of a small second storey window positioned at high level into the east flank gable elevation of Plot 3 to serve a guest bedroom where the cill height level of the new window is shown to be 1.6 metres above internal floor level.

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

- 4.1 "In response to the representations received, we must explain again that the height of the garages are the same as the height for the approved car ports for the first application and we would be grateful if you could make this clear to all of the objectors as this seems to be their main concern. The reason for the increased dimensions of the garages is so that they comply with the Council's parking standards. The developer would have preferred smaller double garages from their change from car ports, although this was not an option due to the current parking policy. On the other points, all permitted development rights will I assume be withdrawn on this application as with the first, so any additional rooms, extensions etc would have to be subject to separate applications for planning permission. We hope this clarifies the situation".

## **5. RELEVANT SITE HISTORY**

- 5.1 Planning permission granted in March 2014 for the demolition of No.44 Landscape View and the erection of 3 No. dwellings, garages and associated works (UTT/13/3206/FUL) – note: the garages proposed were in fact in the form of car ports as shown on the submitted drawings for that application. Condition 13 of the permission for that approved development stated that the approved car ports shall be retained for the parking of domestic vehicles in connection with the use of the dwellings permitted and shall not be converted to another use, including conversion to habitable accommodation, without the further written approval of the Local Planning Authority.

- 5.2 Non-material amendment application to infill the open sides of the car ports approved under UTT/13/3206/FUL to form garages with timber boarding and brick plinths refused in July 2013 for the following reason (UTT/14/1581/NMA):

"The proposed amendments to infill the open sides of the approved garages with timber boarding and brick plinths are considered to be a material change to the approved garages under UTT/13/3206/FUL and a revised planning application would need to be submitted for consideration. Any new application would need to be considered under Uttlesford Local Plan Policy GEN2".

- 5.3 Pre-commencement conditions imposed under UTT/13/3206/FUL discharged by the Council in respect of materials samples, landscaping, slab levels and reduction to single hardstanding parking space (in addition to provision of double car port) for Plot 3.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

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

- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
- ECC Parking Standards (Design and Good Practice) September 2009
- Uttlesford Parking Standards (February 2013)

### **6.3 Uttlesford Local Plan – Pre-Submission Consultation, April 2014**

- Policy DES1 – Design
- Policy TA1 – Vehicle Parking Standards

## **7. TOWN COUNCIL COMMENTS**

7.1 Comments not received.

## **8. CONSULTATIONS**

### **ECC Highways**

8.1 No highway objections subject to conditions.

### **ECC Ecology**

8.2 I note that a Preliminary Ecology Assessment was produced for the site in September 2013 and it is unlikely that the habitats have evolved to such an extent to warrant another survey.

## **9. REPRESENTATIONS**

9.1 5 received. Representation period expired 17 October 2014.

### Summary of representations:

- Do not understand the need for the revisions to these previously approved car ports;
- Proposed car port infilling represents overdevelopment of this already intensively developed site and will compromise any attempt to make the approved development look less congested and more integrated with surrounding properties;
- Conversion from car ports to garages accentuates the whole issue of their size and usage;
- Already have three very large dwellings in the course of construction on a modest sized site plot. Do we really need to see a further three structures of the planned size and height?
- The garages at 5.5 metres to the ridge line will be very tall and almost as tall as surrounding houses where none of the associated garages are more than 4 metres in height;
- The garages will dominate the site boundaries and further block light to gardens of surrounding dwellings;
- The garages will have an overbearing impact on No.42 Landscape View;
- Lack of information submitted on the submitted drawings;
- Will power and water feed into these structures?
- Where will resident cars be parked if the garages are subsequently converted into ancillary accommodation or for incidental use, such as loft conversions, annexes, gyms, homeworking offices and music rooms etc as on-street parking at this location close to a sharp bend would be inappropriate and dangerous;
- Garage doors if they are subsequently installed will likely to lead to increased noise and pollution;
- Seems totally unreasonable that the developer should gain even further at neighbours' expense where the only reasons for the car port infilling is to further increase the value of the new houses;
- Condition should be placed on the garage buildings stipulating that the use of the resultant enclosures will only be retained as garages;

- Object to any window that overlooks our property and are concerned that the new second floor window for the flank elevation dwelling for Plot 3 may do so resulting in a loss of privacy.

Note: One of the five objectors to the proposed revisions would have no objections to the car ports having solid walls to create garages and would support this revision and another would have no objections if the garages were extended inwards into the site rather than outwards towards the site boundaries.

## 10. APPRAISAL

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

- A Design and impact on residential amenity (ULP Policy GEN2)**
- B Whether parking arrangements would be satisfactory (ULP Policy GEN8)**
- A Design and impact on residential amenity (ULP Policy GEN2).**

- 10.1 This scheme revision has arisen following the Council's decision to treat the proposed infilling of the car ports for Plots 1, 2 and 3 for this approved development into garages as a material amendment to the previously approved scheme whereby a new planning application is required. In this respect, the various comments expressed by immediate neighbours to the revisions made in the new application have been noted where they principally relate to the size of the garages as proposed. Members will recall that they undertook a site visit in connection with the original scheme submission under UTT/13/3206/FUL when they considered amongst other matters the likely impact that the proposal would have on neighbouring residential amenity.
- 10.2 It should be stressed in light of the comments received from local residents against this revision application that the overall height of the modified car ports to garages for Plots 1, 2 and 3 remains the same as previously approved under UTT/13/3206/FUL, namely 5.5 metres to the ridge line at a roof pitch of 42 degrees. The proposed modifications which therefore fall to be considered for this revised application relate specifically to the infilling of the car ports as previously described to effectively turn them into garages, albeit without front garage doors, and the resultant slight increase in their length by 0.4 metres from 6.6 metres to 7 metres to comply with current car parking standards at 7m by 3m size. The site layout positions of the modified structures relative to Plots 1, 2 and 3 have not changed by this revised submission from the original approval.
- 10.3 The proposed external materials to be used for the infilling of the car ports (weatherboarding on red brick plinths) would represent an appropriate form of cladding for these subordinate structures to the dwellings to which they would relate where the roofs would remain as plain tiled as previously approved. No design objections are therefore raised under ULP Policy GEN2 to the external appearance of the garages through these changes.
- 10.4 In terms of the increase in the length of the modified structures as garages from 6.6 metres as previously approved to 7 metres as proposed, this would represent a nominal increase in the overall volume of the modified structures where the width of the double garage structures would remain at 6.5 metres as previously approved and where the garages would in this respect still remain subservient in size to the dwellings to which they relate. It should be noted that it would be the front end of the structures which would be increased as shown on the applicant's Proposed Site Plan rather than the rear where the 1 metre gap previously shown to be maintained behind the car port

structures to the flank boundaries of the site abutting Nos.42 and 46 Landscape View for the previously approved application would continue to be preserved and thus a “breathing space” would be kept to these boundaries. No design objections are therefore raised to the increase in their size on this basis under ULP Policy GEN2 where the accumulative effect of these design changes would not compromise the overall design form or integrity of this approved site development where, additionally, the changes would not have a material effect on the general streetscene given the positioning of the garages behind the frontage dwellings.

- 10.5 In terms of resultant impact on residential amenity, the proposed revisions would not have a significant impact on the residential amenities of Nos.42 and 46 Landscape View or Hazelwood situated to the rear, the properties most affected by the proposal, when compared to the previously approved scheme given as previously stated that the ridge heights of the modified car ports as garages would not be increased where the same amount of the structures would be visible above the side boundary fence lines of the site as before, namely the roofs and a small proportion of the walls of the garages below and, as also previously stated, where 1m gaps around the boundaries would be maintained.
- 10.6 Whilst the comments concerning possible future use of the garages to other incidental/ ancillary activities is concerned, it should be noted that the approved car ports are required by condition to be retained for the parking of domestic vehicles in connection with the use of the dwellings permitted and shall not be converted to another use, including conversion to habitable accommodation, without the further written approval of the Local Planning Authority. This condition should therefore provide the mechanism for adequate future amenity protection in this regard, although it is considered that the condition should be varied should planning permission be granted for the current revised application to state “garages” rather than “car ports” for the sake of precision and to be specific to prevent any conversion of the garages at first floor level also for the sake of clarity and future enforceability in the interests of residential amenity in view of the concerns raised in this respect.
- 10.7 The proposed addition of a small second floor window to a guest bedroom for the approved dwelling for Plot 3 into the east flank elevation as a further revision has been positioned as such so that views out of this room across the remainder of the development and to No.46 Landscape View would be restricted given the shown internal floor to window cill height at 1.6 metres. Furthermore, the applicant has stated that the window would be fixed shut given that the guest bedroom would be served by another window as a means of emergency escape from this room if necessary. It is considered from these measures that the inclusion of this additional window would not give rise to significant harm to neighbouring amenity by reason of loss of privacy under ULP Policy GEN2.

**B Whether parking arrangements would be satisfactory (ULP Policy GEN8).**

- 10.8 The proposed garages would provide 2 No. parking spaces each where this parking provision has not changed from the approved site layout under application UTT/13/3206/FUL for the three car ports and where two additional dedicated parking spaces in the form of hardstanding spaces are also afforded to each dwelling unit making a total of four spaces in total per dwelling (it should be noted that the dwelling for Plot 3 now only has one additional hardstanding parking space at the request of the residents of Hazelwood situated to the rear of the site to reduce the incidence of noise and disturbance from car engines and vehicle manoeuvring). As such the garages would be compliant with adopted parking standards both in terms of the number of parking spaces provided for each dwelling and in terms of their overall size at 7m x 3m

as slightly adapted for this purpose as previously mentioned. The proposal revisions therefore comply with ULP Policy GEN8.

## **11. CONCLUSION**

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

- A The proposed revisions to substitute the originally approved car ports with garages through infilling for Plots 1, 2 and 3 would be acceptable in terms of design and impact on residential amenity under ULP Policy GEN2.
- B The revisions would comply with car parking standards under ULP Policy GEN8.

### **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL 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 freeholder 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) Secure contribution towards affordable housing**
  - (ii) Pay Council's reasonable costs**
  - (iii) Pay monitoring costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation by 10 December 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
  - (i) Lack of contribution towards affordable housing**

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. Prior to commencement of development 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 ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. 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) Means of enclosure along all site boundaries
  - b) Hard surfacing, other hard landscape features and materials
  - c) Existing trees, hedges or other soft features to be retained. The hedgerow running along the frontage of the site shall be retained and enhanced where appropriate
  - d) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - e) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - f) Details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - g) Location of service runs
  - h) 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).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to commencement of development section details of earthworks showing dropped slab levels for Plots 1, 2 and 3 showing a minimum drop of 250cm shall be submitted to and approved in writing by the local planning authority.

REASON: In order to minimise the visual impact of the development on the street scene and on the property situated to the rear of the site in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with GEN1 of the Uttlesford Local Plan (adopted 2005).

7. 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 GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

10. The first floor southern flank window to the dwelling for Plot 1 and first floor western flank window to the dwelling for Plot 3 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

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

11. The development hereby permitted shall reflect the floor plan drawings which accompanied the application for each dwelling with regard to Lifetime Homes.



REASON: To ensure that the dwellings can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. 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 (i.e. any extension, outbuilding or enclosure) shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped in the interests of the residential amenity of the occupiers of adjoining dwellings in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13. 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), the garages hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the dwellings hereby permitted and shall not be converted to another use including conversion to habitable accommodation where this shall also extend to any conversion of the roofspaces, without the prior approval in writing of the local planning authority.

REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway, to avoid the requirement for further buildings for this purpose and in the interests of the protection of residential amenity in accordance with ULP Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

14. Prior to occupation of the development, a further site layout drawing shall be submitted to the Council for prior approval showing the provision of a single parking space for Plot 3 in addition to the double car port already shown.

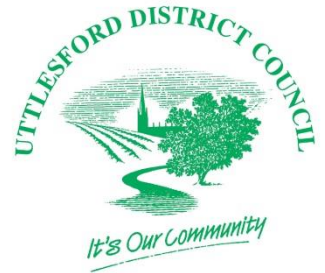
REASON: To ensure that all dwellings for the development hereby permitted comply with current parking standards in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

15. The demolition of the existing dwelling on the site shall be designed to enable the maximum possible on-site recycling of resultant materials.

REASON: In the interests of amenity and sustainability in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/2862/FUL

Address: 44 Landscape View, Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

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