

## **UTT/15/0831/DFO (STANSTED)**

(Referred to Committee by Cllr Salmon. Reason: complexity of application and whether all issues are correctly addressed)

**PROPOSAL:** Details following outline application UTT/13/3345/OP for erection of 1 no. dwelling - details of access, scale, layout and appearance

**LOCATION:** Land at 40 Bentfield Road, Stansted, Essex

**APPLICANT:** Mrs L Luther

**AGENT:** Philip Livings Ltd

**EXPIRY DATE:** 7 May 2015

**CASE OFFICER:** Samantha Stephenson

---

### **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 The application is for reserved matters approval in relation to access, scale, layout and appearance following the grant of outline planning permission under UTT/13/3345/OP for the erection of one dwelling.

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

4.1 Planning, Design and Access Statement is available on the file.

### **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.
- 5.3 UTT/14/1999/FUL Erection of 1 no. dwelling. Refused 22.09.14. size, scale and design is unacceptable resulting in a cramped form of development out of keeping with the surrounding area and harm to the residential and visual amenities of the adjacent residential occupiers. Dismissed at Appeal as proposal would have a harmful effect on the living conditions of existing occupiers with particular regard to noise and disturbance.

## **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 GEN4 – Good Neighbourliness
- 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 No objections as long as the building is contained within the footprint already granted outline consent.

## **8. CONSULTATIONS**

### **Highways**

- 8.1 No objections, subject to conditions.

## **9. REPRESENTATIONS**

- 9.1 13 Neighbours were notified. Consultation expired 09.04.15. 4 representations received, concerns regarding harm to neighbouring properties, overlooking, cramped and out of character, safety hazard to pedestrians and vehicle drivers due to lack of turning space, pedestrian visibility splay, width of access, traffic noise for neighbours, highways restrictions ignored, detrimental impact on TPO tree, proposals turned down at Appeal.

## **10. APPRAISAL**

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

- A Whether the proposed works would be of appropriate design, scale, layout and appearance. (ULP Policies S1, GEN4 and GEN2).
- B Access and parking (ULP Policies GEN1 and GEN8)

## **A Whether the proposed works would be of an appropriate design and scale**

- 10.1 The principle of residential development for the erection of one dwelling at this site located within development limits has been established under UTT/13/3345/OP. The application proposes a bungalow located approximately 1.5m from the eastern boundary of the site. It would have a footprint of 10.5m in width and 10m in depth, totalling 87sqm, it would be 2.3m to the eaves and 4.1m to the ridge. The building would be single storey and have a l-shaped layout with 2 bedrooms. Materials are proposed to be agreed by condition. The site layout is identical to the indicative layout submitted at outlined stage, and the design of the dwelling is also identical although one window has been omitted from the front elevation and two from the rear elevation. All four elevations are shown on the submitted drawing. The property is of traditional design and is compatible with the character of the local area and is acceptable by way of design and scale.
- 10.2 There would be approximately 12m between the front elevation of the proposed dwelling and the rear of No.40 and approx. 18m between the rear elevation of the new dwelling and those of the properties in Bentfield Gardens. The omission of the windows on the rear elevation protects the amenity of properties in Bentfield Gardens which back on to the proposal site. The plot is wide and deep enough so that the building would not be unduly overbearing or have a significantly detrimental impact regarding overshadowing. It is considered that the amenity of the neighbouring properties is protected in terms of light and privacy.
- 10.3 The outline application proposed a render finish however this reserved matters application states on both the application form and design and access statement that brick and tiles will be used. This is considered to be acceptable however a condition will be imposed regarding details of materials to be submitted to ensure compatibility with the dwellings in the locality. The application also proposes native hedge planting on the eastern boundary to help screen the development, a landscaping condition was imposed on the outline and will be imposed on this reserved matters application. In addition, as there is a beech tree with a TPO in the neighbouring garden at No. 38A a condition will be imposed to ensure the protection of this tree.

## **B Access and parking**

- 10.4 The outlined application indicated a new access that was proposed to run along the southern boundary, this would be used to serve the existing dwelling and the new dwelling (the existing access would be closed). The access was proposed to be approximately 4m wide. The reserved matters application shows the same width but with 1.5m visibility spays added. The submitted layout details show that there would be adequate space within the site for the parking of three vehicles off road for the existing dwelling and the two spaces for the proposed new dwelling with a turning point. The indicated spaces are of a scale that complies with current adopted standards. Essex County Council Highways Authority has no objection 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, subject to conditions. The use of the proposed access would not have any harmful impact on highway safety in this location.

## **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**

- 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 the development hereby permitted, details of tree protection measures in relation to the Beech to the south of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented prior to the work commencing.

REASON: In order to protect the existing tree that is covered by a Tree Protection Order in the interest of visual amenity in accordance with Policy GEN2 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 3 Prior to the occupation of any of the proposed dwelling, 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 Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 4 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.

- 5 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.

- 6 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 and to allow parking off street and clear from obstructing the adjacent footway/carriageway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 7 The existing access shall be permanently closed incorporating the reinstatement to full height of the footway/kerbing, immediately the proposed new access is brought into use.

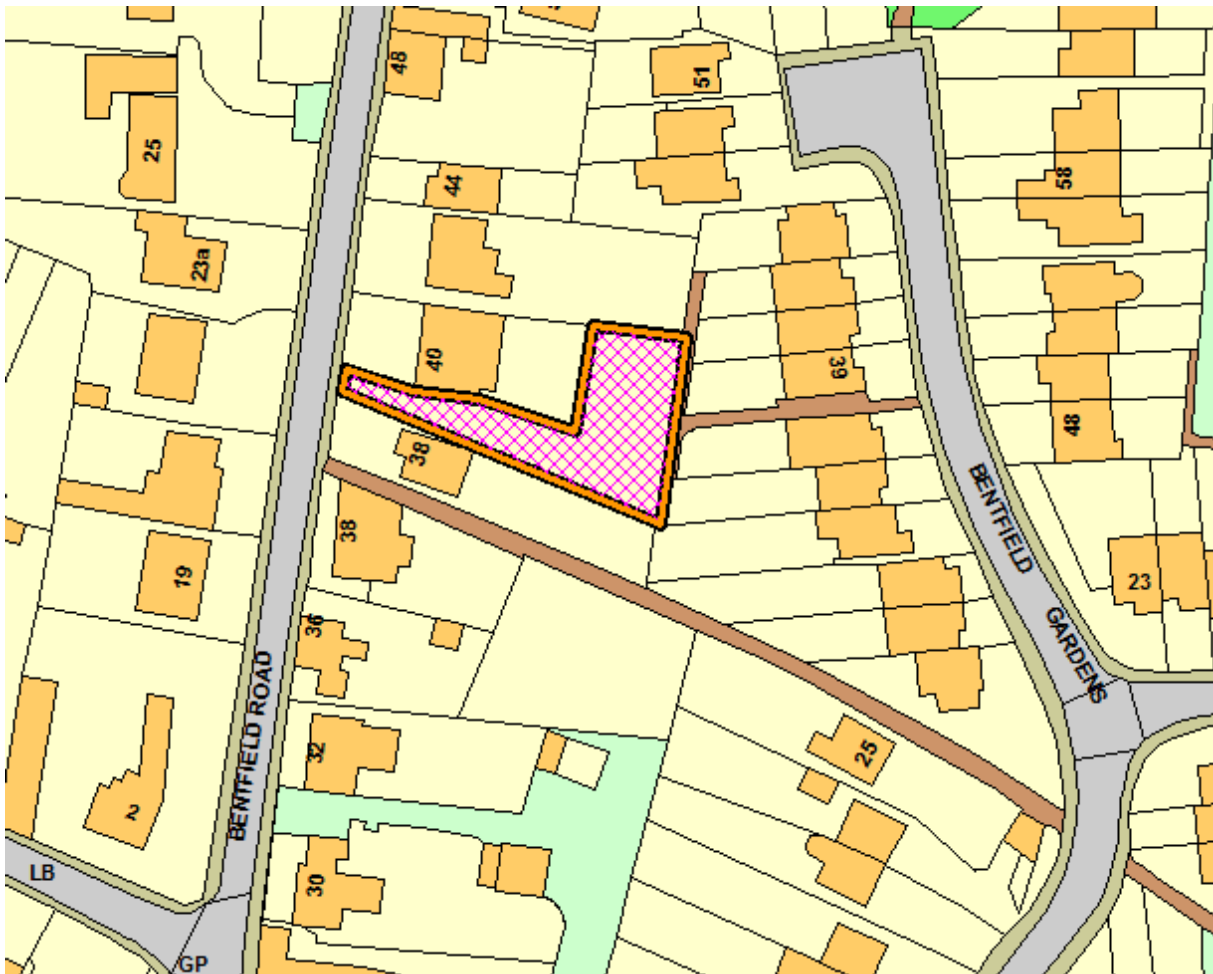
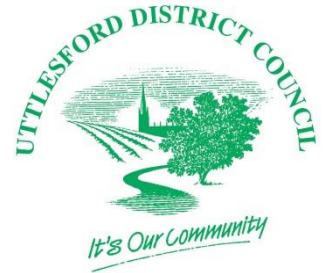
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

- 8 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.

Application no.: UTT/15/0831/DFO

Address: Hillside Land at 40 Bentfield Road Stansted



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office© Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Organisation: Uttlesford District Council

Department: Planning

Date: 16 April 2015

SLA Number: 100018688

