

UTT/15/0377/FUL (STANSTED)

(Referred to Committee by Cllr Salmon. Reason: Loss of light to neighbours, overshadowing, overbearing, tunnel effect, lack of parking provision, lack of amenity space)

PROPOSAL: Proposed partial demolition of 2 no. extensions, construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop.

LOCATION: 42 Chapel Hill, Stansted.

APPLICANT: Mr Howard Berndes

AGENT: Mr James Coad

EXPIRY DATE: 7 April 2015, extension of time 17 June 2015

CASE OFFICER: Samantha Stephenson

1. NOTATION

1.1 Within Development Limits; Conservation Area.

2. DESCRIPTION OF SITE

2.1 The application site comprises a 2 storey red brick building located on the northern side of Chapel Hill on the corner of St. Johns Road. The building is a carpet shop with ancillary storage/office space to the rear on the ground floor and a residential unit on the first floor containing 3 No. bedrooms. The site frontage runs 7.5m along Chapel Hill and 25m up St. Johns Road. To the rear of the building are two extensions that are used as a garage and a small storage room off the kitchen. The site is on a hill and consequently the building is at a higher level compared to the neighbouring property No. 40.

3. PROPOSAL

3.1 The application proposes the partial demolition of 2 no. extensions, the construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop. The proposal seeks to convert the building into 3 self-contained one bed apartments and retain the shop on the ground level. The side entrance will be retained allowing access for the private accommodation and will separate the shop from the rest of the property. This application has been revised following Officer advice to reduce the extension to the rear and to provide parking provision.

3.2 The scheme would have an additional ground floor footprint of approximately 6.7m² and an additional first floor footprint of approximately 34m². The footprint would be broadly in-line with the neighbouring dwelling No.40. The two storey structure would step down from the ridge height of the existing roof and matches the design of the original building with matching materials.

3.3 Four parking spaces are proposed to the rear of the building, one for the shop and three for the residential units, provision for cycle storage and bin store has also been

made. A rear garden for the ground floor flat is proposed with a rear garden approximately 30m².

4. APPLICANT'S CASE

4.1 Application supported by;

- Design and Access Statement
- Biodiversity questionnaire

5. RELEVANT SITE HISTORY

5.1 None.

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 H3 – New houses within development limits

Policy ENV1 – Design of Development within Conservation Areas

Policy RS2 – Town and Local Centres

Policy SM1 – Local Centres

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Uttlesford Local Parking Standards 2013

7. PARISH/TOWN COUNCIL COMMENTS

7.1 Members object strongly to this application on the following grounds:

1. No parking provision
2. Contrary to Policy GEN2 – Design, the proposal will have an adverse effect on the occupants of 40 Chapel Hill as a result of loss of daylight, over-bearing impact and over-shadowing.
3. We believe the development will create a “tunnelling” effect for the occupants of 40 Chapel Hill.
4. No outdoor amenity space for two of the apartments.
5. Out of keeping in the Conservation Area.
6. Potential over-looking of no. 4 St John’s Road.

For these reasons we believe that Cllr Salmon will call-in the application and request a site visit by members. We believe this is particularly important so that members will see the difference in ground levels between the application site and the neighbouring property at 40 Chapel Hill as we consider that this exacerbates the impact of the proposed development. Expired 21.4.15.

8. CONSULTATIONS

8.1 Access and Equalities Officer - As nothing has changed with regard to the internal layout from the original drawings since my comment, I would suggest that a condition for an accessibility drawing is provided prior to commencement to show compliance with the SPD on Accessible Homes and Playspace.
Expired 04.03.15.

8.2 ECC Highways - The Highway Authority has no objections to this proposal subject to conditions. Expired 04.03.15.

9. REPRESENTATIONS

9.1 27 neighbours were informed. Consultation expired 21.04.15. 7 objections received. Concerns regarding – lack of parking provision, design of extension, impact on amenity to no.40 Chapel Hill, impact of construction works on No.40 Chapel Hill, overlooking to no. 4 St. Johns Road, maintenance of private road, increase in volume of traffic, inadequate provision for waste and recycling for a commercial unit.

10. APPRAISAL

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

- A The principle of development of the site (ULP Policies S1, RS2, SM1 and H3);
- B Design and visual impact (ULP Policies H3, ENV1 & GEN2);
- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)
- E Nature Conservation (ULP Policy GEN7)

A The principle of development of the site (ULP Policies S1, RS2, SM1 and H3).

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.

10.2 In addition to this ULP Policy RS2 permits mix-use development including a residential element where

- a) It maintains or enhances their role as retail and service centres;
- b) It does not harm their historic and architectural character;
- c) It contributes to the diversity of retail and other commercial activity;
- d) It does not result in significant loss of houses or flats in the centres;
- e) It does not prejudice the effective use of upper floors as living or business accommodation.

While Policy SM1 enables development that would support Stansted's role as local centre and resists change of use of ground floor units to residential.

10.3 The proposal seeks to convert the building into 3 self-contained one bed apartments, one at ground floor and 2 at first floor and retain the shop on the ground level. Access to the shop will remain from Chapel Hill and the side entrance will be retained from St. Johns Road allowing access for the private accommodation, separating the shop from the rest of the property. The existing single storey extensions to the rear will be demolished to make way for a staggered two storey rear extension. Minor structural internal works to the existing building will be needed but no alterations to the front elevation will be made. It is considered that this proposal complies with Policies RS2 and SM1.

B Design and visual impact (ULP Policies H3, ENV1 & GEN2);

- 10.4 ULP Policy H3 requires, among other things, reasonable access to jobs, shops and services, this is a centrally located site and is considered to be a sustainable location. Although no amenity space is proposed for two of the 3 residential units, given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance. The proposed alterations to the exterior of the building to accommodate the apartments is considered to be compatible with the character of the settlement in this village centre location.
- 10.5 Policy GEN2 states that development should be compatible with the scale, form, layout and appearance of surrounding buildings and should have regard to guidance on layout and design adopted as supplementary planning guidance to the development plan. While Policy ENV1 permits development where it preserves or enhances the character and appearance of the Conservation Area. The existing rear extensions make little or no positive contribution to the Stansted Mountfitchet Conservation Area and are not of historic or visual merit, nor do they contribute to the appearance, character and setting of the original building. The proposed development of 42 Chapel Hill, with its matching design and materials will not only enhance the visible character of the existing building but improve the appearance of the building from St John's Road and tidy up this elevation. Views from the streetscene at Chapel Hill will be unaffected.
- 10.6 The gables reflect the design details of the neighbouring dwellings and whilst the overall proposed design differs from the existing, it is of vernacular design and similar to neighbouring properties along this part of Chapel Hill. It is not considered therefore that the proposal is so out of keeping as to warrant refusal. The proposed extension would not look out of place or be unduly prominent in the street scene. It would replace an unremarkable elevation with a more attractive one, more in keeping with nearby dwellings. It is considered that the design would not be out of keeping with the street scene or detrimental to the character and appearance of the street scene.
- 10.8 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.
- 10.9 The Essex Design Guide recommends 25sqm of private amenity area for a one bed apartment, the proposal allows a garden area for the ground floor flat of approximately 30m² which exceeds the standard. While there no amenity space proposed for two of the 3 residential units given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance.
- 10.10 The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of one replacement dwelling would not generate a volume of traffic that would impact on the surrounding transport network.

C Impact on adjacent residential amenity (ULP Policy GEN2).

- 10.11 The design of the rear extension addresses the scale of the adjacent dwelling no. 40, and has been reduced in size and scale to minimise impact following Officer advice. The rear projection closest to the neighbour will not project further than the existing neighbours dwelling while the projection on the St Johns Road side extends no further than the neighbours rear projection. The application site is set higher than the neighbours with an existing tall wall on the boundary and there exists an element of overshadowing and loss of light currently, however the applicant has demonstrated by

use of the 45 degree rule that the extensions will not have a significant enough impact to warrant refusal in this case. While the neighbours ground floor window on the rear elevation will be affected there exists another window that serves this room that will be unaffected by the proposals. No additional windows are proposed on the side elevation facing no.40 (one rooflight is proposed) and while an additional window will be on the rear elevation at first floor level this is not considered to be significantly detrimental considering the existing situation on site, in addition any overlooking of any private garden area would be at an oblique angle.

10.12 With regard to the neighbour to the north, there is a distance of over 15m between elevations and while there is an additional rear first floor window it is considered that there is no significant detrimental impact on amenity with regard to overlooking, compared to what already exists.

D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)

10.13 The proposal would utilise the existing access into the site. Essex County Council Highways Department has no objection to the proposal subject to conditions. The proposal provides one parking space for the shop and three for the residential units, currently there is only the garage on site, the parking provision is therefore an improvement to the existing. Adequate parking provision is provided for all uses to meet the parking standard.

10.14 The site is sustainable with regard to the availability of public transport and services within walking distance. The provision of two additional residential units would not generate a volume of traffic that would impact on the surrounding transport network.

10.15 Neighbours comment on the congestion and parking issues that exist currently on Chapel Hill, this is an existing situation that the developer cannot address or indeed be expected to. It is considered that the parking provision provided on site is sufficient and that this proposal will not exacerbate this existing situation.

Furthermore, it is considered that the parking provision for the proposal is sufficient given its central location in the village, the fact that many customers would be local and therefore walk, the nearby public carpark and availability of public transport.

E Nature Conservation (ULP Policy GEN7)

10.16 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Biodiversity questionnaire was submitted and 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. The proposal complies with Policy GEN7.

11. CONCLUSION

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

A The proposed development is acceptable and complies with all relevant Development Plan policies.

12. RECOMMENDATION – APPROVAL WITH 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. Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

3. All new brickwork to be formed in hand made soft red clay bricks laid in Flemish bond in accordance with details that shall be submitted to and approved in writing by the local planning authority before development commences, and thereafter be implemented in accordance with the approved details, and subsequently, the materials shall not be changed without the prior written consent of the local planning

REASON: In order to protect the character and appearance of the essential features of the Conservation Area in accordance with ULP Policy ENV1 and the NPPF.

4. New roof to be natural slate in accordance with details that shall be submitted to and approved in writing by the local planning authority before development commences, and thereafter be implemented in accordance with the approved details, and subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In order to protect the character and appearance of the essential features of the Conservation Area in accordance with ULP Policy ENV1 and the NPPF.

5. Before the development hereby permitted commences, an accessibility drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

