

UTT/17/0128/FUL - (BIRCHANGER)

(Site includes frontage land strip over which vehicular access is gained within the ownership and control of Uttlesford District Council)

PROPOSAL: Demolition of existing chalet bungalow and erection of two new dwellings.

LOCATION: 5 Wood Lane, Birchanger.

APPLICANT: Mr & Mrs M Hoddle.

AGENT: Mr G Treadwell.

EXPIRY DATE: 17 May 2017

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is situated towards the beginning of Wood Lane (private road) on its south-east side and comprises a 1960's constructed three bedroomed chalet style frontage dwelling externally clad in brick and tile served from Wood Lane with informal frontage parking area and enclosed rear garden. The site has an area of 0.17ha and is level. The site is bordered on its north-east side by a detached garage building originally understood to form part of No.5 Wood Lane, but which is now separately rented out and which does not form part of the application site (No.5a), and by a short row of dwellings leading down the lane on the same side beyond. The site is bordered on its south-west side by a sports ground and the Birchanger Sports and Social Club and to the immediate west by a single storey scout building (No.1 Wood Lane) which stands close onto the lane frontage. A small local authority sheltered housing development (Birchwood) lies opposite the site across the lane, whilst private amenity land lies to the immediate rear of the site. Wood Lane is also a public bridleway.

2.2 A prominent row of mature trees exists which are subject to a TPO along the site's flank boundary with the sports ground, whilst a post and rail fence exists along the site's frontage with the lane. A triangular strip of greensward exists between the front of the site and Wood Lane which is within the ownership and control of Uttlesford District Council over which vehicular access into the site is currently gained (two access points). Requisite notice has been served on the Council within the Certificate of Ownership section of the submitted application form (Certificate B).

3. PROPOSAL

3.1 This full application proposal relates to the demolition of the existing chalet bungalow on the site and the erection in its place of 2 no. two storey detached dwellings with associated parking in the form of 2 no. frontage car ports and turning areas with slightly relocated vehicular access point positions off Wood Lane across

the frontage greensward strip and separate rear amenity provision.

- 3.2 The dwelling for Plot 1 would be 4 bedroomed and would have a height to the eaves of 5m and height to the ridge of 9m, whilst the dwelling for Plot 2 would also be 4 bedroomed and would have a height to the eaves of 4.4m and height to the ridge of 7.8m. Both dwellings would be externally clad in slate, render and weatherboarding with brick plinths and brick chimneys. The car port to the dwelling for Plot 1 would have a height to the ridge of 5.4m, whilst the car port to the dwelling for Plot 2 would have a height to the ridge of 4.8m and both would be externally clad in slate and weatherboarding.
- 3.3 It is stated that the proposed dwellings would be connected to an existing foul sewer which runs along Wood Lane from Birchwood to the property known as Oak Lea which is situated adjacent and just beyond the site on its north-east side.
- 3.4 The application is accompanied by a Preliminary Ecological Appraisal and an Arboricultural Impact Assessment Report both prepared by Landscape Planning Limited.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal falls within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (small Infrastructure Project). However, the social and environmental impacts of the proposal would not be significant arising from this two dwelling scheme.

5. APPLICANT'S CASE

- 5.1 The submitted statement of case states that the existing dwelling does not make the best use of the site, offers inferior living accommodation, is of a poor form of construction, has no real architectural merit and does not contribute positively to the streetscene. In contrast, it further states that granting planning permission for the proposed development would increase the density of the site by 100% to create two sustainable dwellings which would have a positive impact on the streetscene without having a detrimental impact on the residential amenity of adjacent properties.
- 5.2 The statement adds that the submitted scheme has been revised in respect of the comments made by the Council at preliminary enquiry stage, most notably that the dwelling for Plot 2 (nearest No.5a) has been modified to improve the relationship with this adjacent dwelling. It is stated in this context that;

“Responding to the comments raised in the pre-application enquiry, the dwelling adjacent to No.5a Wood Lane (Plot 2) has been designed as a chalet dwelling which minimises any impact on the existing dwelling. However, in keeping with the existing variety of scale and design of dwellings along Wood Lane, Plot 1 has been designed as a two storey house. Although the two proposed dwellings will be different in their height, scale and design, there will be a level of continuity in the detailing and materials”

6. RELEVANT SITE HISTORY

- 6.1 Development of land for chalet bungalow approved in 1963. Development of land for two dwellings refused in 1956. Erection of single storey self-contained extension approved in 1973. Permitted enquiry submitted in 2015 for the demolition of the existing dwelling on the site and the erection of two dwellings with two detached cart

ports in its place.

Officer concerns were raised to the initially submitted sketch scheme for this PE, which showed a much higher eaves line for the dwelling for Plot 2 with front roof dormers shown in the roof space for each at second floor level thereby accentuating the vertical scale of the two dwellings relative to the adjacent row of dwellings. However, a revised streetscene elevation drawing was submitted showing in contrast a dropped eaves line for the dwelling for Plot 2 thereby giving the dwelling a more chalet style appearance, albeit that the dwelling would still in effect be at two storey height. No objections were raised to this change or to the two storey scale of the dwelling for Plot 1 or to the positioning of the car ports for each dwelling to the front of each respective dwelling. The currently submitted scheme for planning permission reflects this preliminary advice (see Applicant's case above).

7. POLICIES

- Uttlesford Local Plan (2005)

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy ENV3 – Open Spaces and Trees
- ULP Policy H3 – Infilling with new houses
- ULP Policy H7 – Replacement Dwellings
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- SPD “Replacement Dwellings”.
- SPD “Accessible Homes and Playspace”

National Policies

- National Planning Policy Framework (NPPF)

Other Material Considerations

None.

8. PARISH COUNCIL COMMENTS

- 8.1
- No objections in principle to the siting of two houses on this site. However, the Parish Council has concerns as follows:
 - This part of Wood Lane adjoins the sports ground to the Birchanger Sports and Social Club which is amenity land registered as a community asset and has an open aspect which should be retained.
 - The five bedroom property on Plot 1 is large and overbearing in comparison with the surrounding buildings. A smaller dwelling similar to that proposed for Plot 2 would be preferred. There are only three other dwellings in Wood Lane, two of which are bungalows and the other (Oak Lea) is, like the existing property, a hybrid chalet bungalow with first floor rooms within the roof. A two storey building would be incongruous to the surroundings.
 - The Parish Council is not in favour of garages in front of houses. The submitted plans show that garage/ car ports are proposed for both houses,

situated at the front of the plots and perpendicular to the front boundary. These would result in a view from the road of the plain brick end walls up to 5m high to the apex for the Plot 1 garage. This would close up the open aspect of the street scene to an unacceptable extent. The garage proposed for Plot 1 seems unnecessarily large accentuated by the den in the roof space.

- In order to retain the open aspect, no high fences or hedging should be permitted along the front boundary.
- The ecology desk based report suggests that there are no ponds within 500 metres of the site and no reports of great crested newts within 1 km. This is not correct and may need further investigation to ensure that no protected species are at risk. There are many ponds in Birchanger. A number of these are well within 500 metres of the site, including one in Wood Lane itself and the majority are known to contain a range of newt species including great crested newts as well as grass snakes.
- There should be a condition applied to ensure that a wheel washing facility is employed on site to reduce mud on the surrounding roads.
- The balcony at the rear of the house on Plot 1 would overlook the rear garden of Plot 2.

9. CONSULTATIONS

NATS Safeguarding

- 9.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

ECC Highways

- 9.2 No highway objections.

ECC Ecology

- 9.3 My comments refer to the Preliminary Ecological Appraisal (Landscape Planning Ltd, 2015). This report found that the only ecological constraint to works is due to nesting birds in both the buildings on the site and vegetation. Please find a condition below (C1) which will remove the risk of an offence in relation to this nationally protected group of species. In addition, the report recommends a lighting condition for bats, protection of badgers and other nocturnally active mammals during construction and biodiversity management plans which are all conditioned below and should be appended to any planning permission granted.

ECC Education

- 9.4 An education contribution is not requested in this instance as the proposed development comprises less than 20 dwellings.

UDC Housing

- 9.5 No access / rights of way over UDC land have been applied for in order to serve the proposed dwellings.

10. REPRESENTATIONS

- 10.1 0 representations received. Neighbour notification expired on 3 March 2017. Advertisement expired on 9 March 2017. Site notice expired on 14 March 2017.

11. APPRAISAL

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

- A Principle of development (NPPF and ULP Policies S3 and H3).
- B Design (ULP Policies H7 and GEN2).
- C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).
- D Impact on residential amenity (ULP Policy GEN2).
- E Impact on protected species (ULP Policy GEN7).
- F Impact on trees (ULP Policy ENV3).

A Principle of development (NPPF and ULP Policies S3, H3 and H7).

- 11.1 The site is situated within development limits for Birchanger. ULP Policy S3 of the adopted local plan states that development will be permitted providing that it is compatible with the character of the settlement. Wood Lane contains a short line of dwellings beyond the Birchanger Sports and Social Club and the proposed use of the site for two dwellings involving the demolition of the existing dwelling would be compatible with this residential character and no objections are raised under ULP Policy S3. The second dwelling proposed for this site can be regarded as representing an infill dwelling given the nature of the proposed development and it is considered that the site represents an appropriate site for infilling where an additional dwelling on the site over and above a "one for one replacement" for the existing dwelling to be demolished would be compliant with ULP Policy H3.
- 11.2 The NPPF has a presumption in favour of sustainable development. The site is situated close to village amenities and would be compliant with the NPPF in this respect (the social strand), whilst the proposed development would not cause wider significant environmental harm (environmental strand) and the development would provide local employment in the short term (economic strand). As such, the proposal would represent a presumption in favour of sustainable development under the provisions of the NPPF.

B Design (ULP Policies H7 and GEN2).

- 11.3 The proposal would involve the erection of a two storey dwelling for Plot 1 and a "hybrid" chalet style two storey dwelling for Plot 2. As previously mentioned, the proposal has been the subject of a preliminary enquiry whereupon changes have been made to the design of the dwellings whereby the principle of providing 2 no. two storey dwellings at the site in the form proposed has previously been accepted by officers on the basis of these changes. Wood Lane has a mix of single storey and chalet style dwellings and consideration has been given to the impact of the proposed development on the streetscene. Whilst it is acknowledged that the introduction of a two storey form of dwellings along the beginning of the housing line within Wood Lane would not truly reflect this existing single storey and 1½ storey form, it is considered that the gradation up to provide a two storey dwelling as shown for Plot 2 whereby this dwelling now incorporates a dropped front eaves line to help mitigate against the increase in ridge height and also the slight increase in ridge height above the dwelling for Plot 2 in respect of Plot 1 as a conventionally shown two storey dwelling would be acceptable in this site context. The style of

dwellings proposed and use of external materials is also considered acceptable as is also the site layout and no design objections are therefore raised to the proposal under ULP Policies H7 and GEN2.

C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

- 11.4 Wood Lane is a quiet private road serving a small number of dwellings off Birchwood. The introduction of a net gain of one dwelling for the site would not give rise to an intensification of vehicular use of the lane and ECC Highways have not raised any highway objections to the development subject to recommended highway conditions. The proposed vehicular access points into each respective plot would be slightly altered from Wood lane, although these alterations do not present any issues in highway terms. No access objections are therefore raised under ULP Policy GEN1.
- 11.5 Uttlesford District Council presently has ownership over the triangular grass strip of land between the proposed site plots and the back edge of Wood Lane over which vehicles would be driven to gain access into the site plots and which is the reason why this planning application is required to be reported to committee. It is not known at this stage whether the applicant intends to purchase this strip of land or to continue to exercise what the applicant's agent has stated to be existing user rights over the land. However, this issue is not a material planning consideration and does not therefore form part of the planning merits of the application proposal, although could be a legal issue should planning permission be granted.
- 11.6 The forward positioning of the cart shed garages as shown for Plots 1 and 2 would be offset and framed by the existing scout hut situated close onto the lane boundary to the immediate front/side of the site, whilst sufficient land exists in front of the proposed dwellings so as not to make the front of the site appear cramped or for the garages to overly obscure the dwellings behind and no parking objections are raised in this regard. The cart shed garage for Plot 1 would comply with ECC adopted parking standards in terms of both the number of spaces provided (3 no. / 4 bed dwelling) with additional side hardstanding spaces (4 no.) and also in terms of bay size. Whilst the cart shed garage for Plot 2 would only have 2 No. parking spaces (4 bed dwelling), the additional 2 no. hardstanding parking spaces shown for this plot would bring the parking provision up to standard for the plot overall. No objections are therefore raised under ULP Policy GEN8.

D Impact on residential amenity (ULP Policy GEN2).

- 11.7 The design of the dwelling for Plot 2 has been revised through the preliminary enquiry process so as to improve its relationship with the single storey dwelling at No.5a Wood Lane adjacent. It is considered that the separation distance of the dwelling for Plot 2 from this adjacent separate residential unit (2.5m) is such that the dwelling would not cause a significant overbearing effect on this adjacent property. There would not be any overlooking onto this property or to the adjacent property beyond (Oak Lea) given that no first floor windows are shown for the flank elevation of this dwelling on this side.
- 11.8 The dwelling for Plot 1 would have a first floor balcony across its rear elevation. This dwelling has been set back behind the dwelling for Plot 2 and it is considered that overlooking from this balcony into the rear garden would not be significant. No amenity objections are therefore raised under ULP Policy GEN2.

E Impact on protected species (ULP Policy GEN7).

- 11.9 The application is accompanied by a Preliminary Ecological Appraisal which has stated in its findings of survey that the site does not contain any natural habitats for protected species, including bats whereby the existing building on the site has found not to contain bats. ECC Ecology have been consulted on the proposal and have not raised any objections to the proposed development based upon the findings of the ecology report subject to conditions and ecology informatives. No objections are therefore raised under ULP Policy GEN7.

F Impact on trees (ULP Policy ENV3).

- 11.10 A line of trees subject to a TPO exist along the SW flank elevation of the site with the sports ground adjacent which have been subject to some recent lopping (TPO 16/96). Three trees which are not subject to the TPO which exist within the interior of the site would have to be removed to facilitate the proposed development and which do not have a high amenity value. The Arboricultural Impact Assessment Report accompanying the application has concluded that the proposed development would not have a harmful impact upon the root system of these protected trees subject to appropriate tree protection conditions and no amenity objections are raised under ULP Policy ENV3 in this respect.

12. CONCLUSION

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

- A The proposed development is acceptable in principle.
- B The design of the proposed dwellings is considered acceptable.
- C Access and parking arrangements are considered acceptable.
- D The development would not have a significant harmful effect on existing residential amenity.
- E The development would not have a harmful effect on protected species.
- F The development would not have a harmful effect on adjacent trees which are subject to a TPO.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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 erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;

- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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 ULP Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

3. 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 ULP Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005)

4. Before development commences 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).

5. The dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M1, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan (adopted 2005) and the subsequent SPD on Accessible Homes and Playspace

6. The proposed development shall not be occupied until such time as the vehicle parking and turning areas as indicated on the approved plans have been provided and shall be retained in perpetuity.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear and to ensure that on street parking of vehicles does not occur in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. The development shall be carried out in accordance with the recommendations made in the Arboricultural Impact Assessment Report, including method statement with reference to such matters as tree protection measures prepared by Landscape Planning Limited dated 2 February 2016.

REASON: To ensure that the trees the subject of Tree Preservation Order 16/96 which exist along the south-western boundary of the site are not impacted by the resulting development.

8. Prior to occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species, particularly bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To ensure that the development does not negatively impact on protected species in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

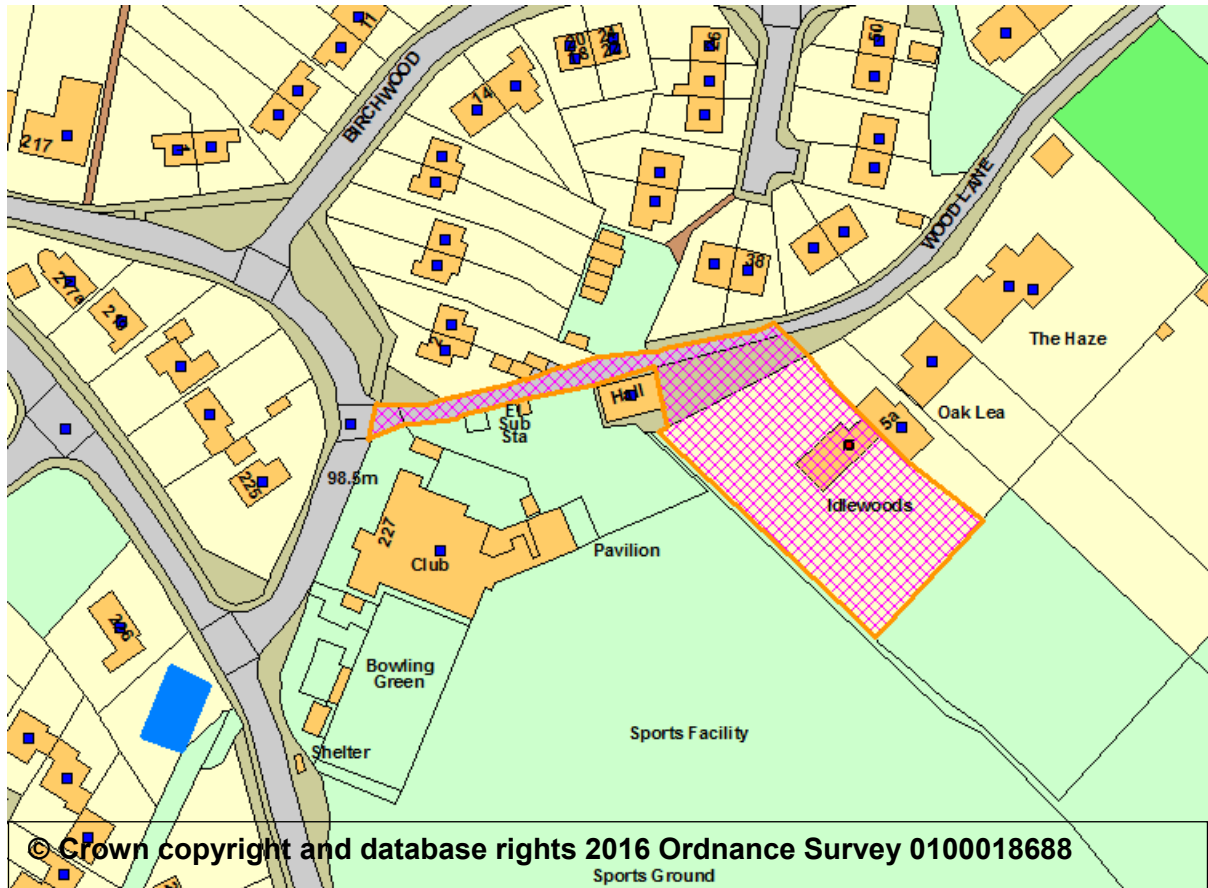
9. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/0128/FUL
Address: 5 Wood Lane, Birchanger



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017