

UTT/18/1386/FUL

Reason: called in by Councillor Susan Barker.

PROPOSAL: Erection of two no two bedroom flats with associated parking.

LOCATION: Land to the rear of 3 Holloway Crescent, Leaden Roding.

APPLICANT: Mr Melvin Archer.

AGENT: Mr Antony O'Toole – E&M Design Partnership.

EXPIRY DATE: 27 July 2018.

CASE OFFICER: Peter McEvoy

1. NOTATION:

- 1.1 - within Leaden Roding's development limits.
- general aerodrome directions.

2. DESCRIPTION OF SITE:

- 2.1 The application site is located off Willow Green in Leaden Roding. It comprises a portion of land previously used as part of the rear garden serving 3 Holloway Crescent and is part of a wider housing development.

3. PROPOSAL:

- 3.1 The applicant is requesting planning permission to erect a pair of two-bedroom flats. There would also be parking spaces, with access from Willow Green, and rear gardens. The proposal is effectively a resubmission of an earlier scheme from 2015. All dimensions can be scaled from the submitted plans.

4. ENVIRONMENTAL IMPACT ASSESSMENT:

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE:

- 5.1 The applicant has included a site biodiversity checklist and a brief planning statement in a letter from his agent.

6. RELEVANT SITE HISTORY:

- 6.1 UTT/15/0990/FUL – proposed erection of 2no two bedroom flats with associated parking (approved with conditions on 26 May 2015).
UTT/14/3504/FUL – erection of 2no two bedroom flats with associated parking (refused on 13 February 2015).
UTT/1651/04/FUL – erection of a detached bungalow and garage (approved with

conditions on 7 December 2004).

Comments on relevant site history:

- 6.2 The 2014 application was refused for a similar development due to material overlooking from the upper floor windows along the rear elevation. The applicant then resubmitted his application and substituted these windows with rooflights. This design feature, and their positioning 1.7m from the upper floor level was considered to be sufficient to ensure that any overlooking from these windows onto neighbouring properties would not be material (officer's report, UTT/15/0990/FUL).

7. POLICIES:

7.1 National Policies:

National Planning Policy Framework (2018).

7.2 Supplementary Planning Documents/Guidance:

SPD Parking Standards Design & Good Practice September 2009.
SPD Essex Design Guide.

7.3 Uttlesford Local Plan (2005):

S3 – other development limits.
GEN1 – access.
GEN2 – design.
GEN7 – nature conservation.
GEN8 – vehicle parking standards.
H3 – infilling with new housing.

7.4 Other Material Considerations

None.

8. LEADING RODING PARISH COUNCIL'S COMMENTS:

8.1 The Parish Council made the following points:

- a bungalow would be better as there would be no problems of overlooking and be more in keeping with the surrounding buildings.
- issues over land ownership.
- the site would be suitable for a bungalow but not flats: local residents' opinions should be considered.
- the proposal is not suitable for the surrounding houses.
- the development is too big for the site. The front elevation on the plans show this could be turned into a four bedroomed house at a later date.
- there is no need for more flats.

9. CONSULTATIONS:

- 9.1 The Local Highways Authority – Essex County Council.
From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a condition requiring the provision of pedal cycle and powered two wheeler parking.

9.2 Cadant Gas
No issues.

10. REPRESENTATIONS:

10.1 At the time this report was prepared, the LPA had received the following comments from two neighbouring occupiers:

- adverse impact on neighbour amenity: loss of privacy, visual dominance and shadowing.
- the plans appear to show that the separation distance between the proposal and neighbouring property is greater than it is in reality.
- loss of light.
- possible fire hazard from new owners having a bonfire or barbeque so close to the neighbours' existing oil tanker.

10.2 Comments which raise valid planning issues are considered in the report, but in relation to the other points raised:

- loss of light is a legal easement, based on the provisions of the Prescription Act 1832 and other legislation. If it can be shown to exist, then the easement would be enforced by civil action and not through the planning system.
- a potential fire hazard is not a material planning consideration.
- comments about the accuracy of the plans are noted, but the LPA must base its decision on the submitted plans. Consent 'attaches' to the submitted plans, which could invalidate the permission if these documents are incorrect.
- concern about legal interests (ownership) in land is not a material planning consideration as planning permission does not overreach the applicant's requirement to secure consent from third party landowners (without such an agreement, the applicant would effectively have a permission which could not be implemented).
- the applicant's motives of applicants for choosing a particular design or housing type are not relevant planning considerations.

11. APPRAISAL:

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

- A Principle of development (NPPF, Local Plan Policies H3 and S3).
- B Design and amenity (NPPF, Local Plan Policies GEN2, Essex Design Guide).
- C Site biodiversity (NPPF, Local Plan Policy GEN7).
- D Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).

A Principle of development:

11.1 The NPPF recognises the need for housing to be located where it will enhance or maintain the vitality of rural communities as an example of sustainable development (paragraph 78). The site is within the settlements limits of Leading Roding and so Local Plan Policy S3 applies to the proposal. Development which is compatible

with the settlement's characteristics and countryside setting would be permitted, subject to the scheme complying with all other relevant planning policies. The previous permissions have already established that the proposal complies with Policy S3.

11.2 New housing within development limits to support local services and facilities as set out in Policy H3. The scheme would contribute, in a small way, to the services offered in Leaden Roding and beyond. The village does benefit from regular bus services to several settlements, including Harlow, Great Dunmow, Stansted and Chelmsford.

11.3 Overall the principle of development at the site is considered to be met.

B Design and amenity:

11.4 National and local planning policies expect development to be constructed to a high standard of design. For a residential development, this is usually taken to mean that the scheme is broadly sympathetic in terms of scale, appearance (including design and choice of materials) to the surrounding area.

11.5 There are a variety of housing styles and types within the area and so the proposal would not create an incongruous appearance. The proposed choice of materials, including render, weatherboarding and plain concrete tiles are commonly found on dwellings throughout the district and so are acceptable. The dwelling would be of a standard design with few architectural flourishes, but it would not be out of place in the street scene. The applicant states that proposed rear gardens' areas are each around 55m² which would meet the Essex Design Guide's suggested provision of 50m² per two bedroomed property. However the actual area would be slightly less but it would still be sufficient to ensure a reasonable level of private amenity space for future occupiers.

11.6 The proposal is therefore considered to meet the required design criteria.

11.7 Local Plan Policy GEN2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy, with the Essex Design Guide providing supplementary guidance on these criteria.

11.8 Any shade created by the proposal would track across the application site for the majority of the day. Some shadowing would fall along the rear gardens of the immediate neighbours both early and late in the day. Taken together, the cumulative effect would not be sufficient to justify a refusal, especially as gardens enjoy less protection compared to dwellings in this regard.

11.9 The development would result in a structure located on a currently empty plot. The scheme would create some visual impact, however the separation distance from the proposal to its nearest neighbours is considered to be sufficient to ensure that the visual impact would not be materially dominant.

11.10 The Essex Design Guide recommends a minimum distance between the backs of houses of 25m to prevent harmful overlooking of habitable rooms, with a greater distance of 35m where overlooking would be from an upper storey room. The separation distance between the scheme's rear elevation and the property immediately behind the dwelling (Ivy Cottage) would be around 21m. The applicant

is proposing to use rooflights rather than windows and the 1.7m height from the upper floor level to the bottom of the rooflights would ensure that overlooking would not be material.

- 11.11 There would also be a small first floor window on the side elevation, but the applicant is proposing that it would be fitted with obscure glazing to restrict any overlooking.

C Site biodiversity:

- 11.12 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The NPPF requires development to enhance and contribute to biodiversity where possible. The applicant has submitted a biodiversity questionnaire which has not identified any potential issues.

E Access and parking:

- 11.13 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily and safely be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.14 The proposal's limited scope would be extremely unlikely to lead to an increase in traffic to the extent that the safety of the highway would be compromised. Parking requirements depends, in part, on the number of bedrooms in the property. A two bedroomed flat would require two parking spaces, making four in total. The applicant has shown this number of bays on the plans. The local highways authority has noted that there is no provision for cycles, but this point may be addressed by their recommended condition.

12. CONCLUSION:

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

- A** The principle of development is acceptable in this location.
- B** The design is considered to be appropriate and would not adversely affect the amenity of neighbouring occupiers.
- C** There would be no impact on the site's biodiversity.
- D** There would be no issues relating to traffic generation, road safety or parking requirements.

RECOMMENDATION – approve with conditions.

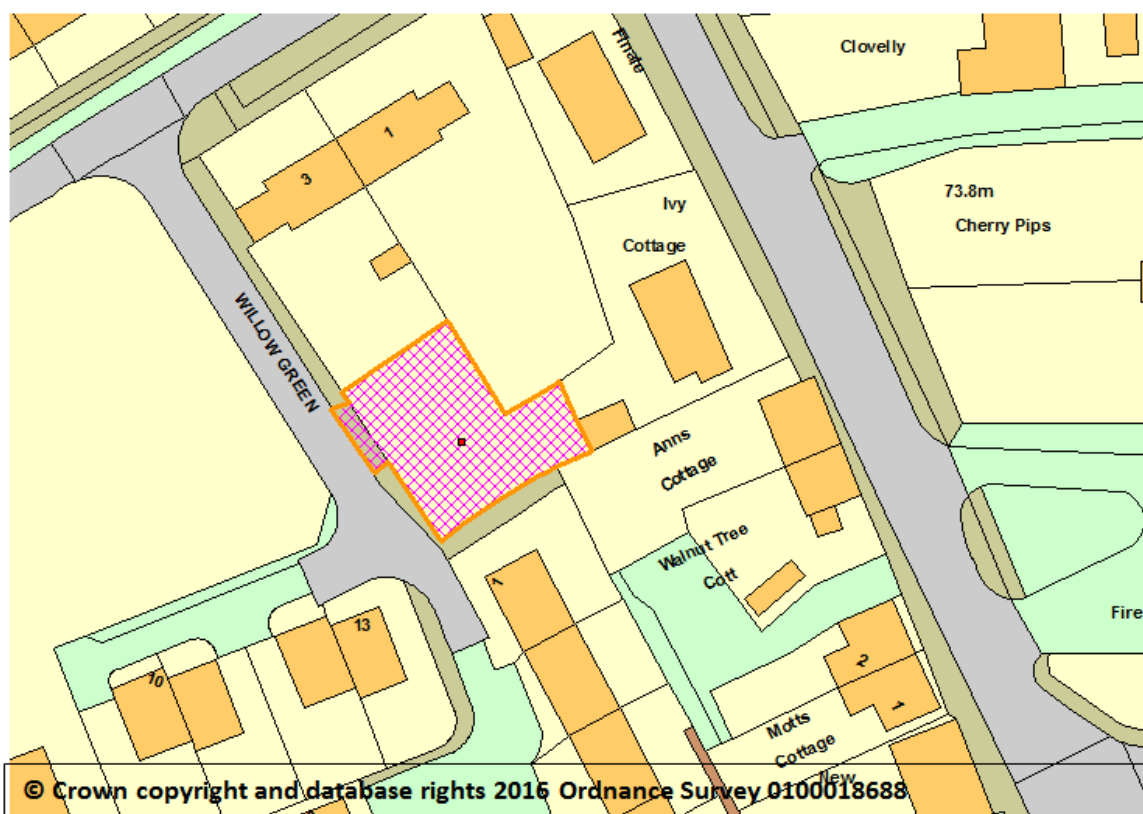
Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity and in accordance with the local highway authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.



Organisation: Uttlesford District Council

Department: Planning

Date: 18 September 2018