DELEGATED REPORT

Reference:- 11/00740/FUL **Parish:- Carlton Parish Council**

Applicant:- Mr Andrew Meadwell
Treetops
Barton Road
Carlton
Nuneaton

Location:- Treetops Barton Road Carlton Nuneaton Leicestershire

Proposal:- DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DWELLINGS

Introduction:-

This application seeks full planning permission for the demolition of the existing dwelling and its replacement with two detached dwellings.

The existing dwelling comprises an extensive, white rendered dormer bungalow with a range of outbuildings extending along the southern boundary.

The dwelling occupies a large 'L' shaped plot which extends across the rear of the adjacent properties, Fern Lea and Holly Cottage. There is a tennis court on the plot to the rear of Fern Lea. The settlement boundary line divides the rear curtilage of the property, however the entire plot has been used as 'residential curtilage' in excess of 10 years, and accordingly is considered as such.

Amended plans have been submitted, however due to the minor nature of the amendments, no neighbour reconsultation has taken place.

Relevant Planning History: -

93/00088/4 Erection of 2 Dwellings Outline Approved 24.02.1993

Consultations:-

No Objections have been received from: -

Director of Environment and Transport (Highways)

Head of Community Services (Pollution)

No Objection subject to a Note to Applicant has been received from:-

Directorate of Chief Executive (Ecology)

No Objections subject to conditions have been received from:-

Head of Community Services (Drainage)

Carlton Parish Council have objected to the application on the following grounds:-

- The ridge height of the property is not in keeping with adjacent dwellings
- The appearance of the proposal will be cramped and the height and massing will have a detrimental visual appearance
- The proposal will have an adverse impacts in terms of the residential amenity of adjacent properties
- There are in discrepancies on the plans
- No information on boundary treatments
- The imposition of various conditions are also suggested.

Two letters of neighbour representation have been received, these raise the following issues:-

- That the ridge line is too high and will result in an overbearing impact
- The proposal will result in overshadowing
- Due to the position of the windows there will be an adverse impact on the privacy of adjacent properties
- There is insufficient off road parking which may result in additional on street parking
- The design is out of keeping with the character of the area and will have an adverse impact on the street scene and visual amenity
- There is no demand for properties of the type proposed in the current market.

Development Plan Policies:-

Adopted Core Strategy

Policy 13 Rural Hamlets
Policy 16 Housing Density, Mix and Design

Adopted Local Plan

The site lies partially within and partially outside of the settlement boundary, however the entire site is considered residential curtilage by virtue of an historic change of use which has occurred. Accordingly the application will be appraised against the following:-

Policy NE5 – Development in the Countryside

Policy BE1 - Design and Siting of the Development

Policy T5 – Highways

Policy RES 5 – Housing Development on Unallocated Sites

Policy REC3 – Outdoor Play Space for Children

Policy NE14 Protection of Surface Waters and Groundwater Quality

Supplementary Planning Guidance: New Residential Development (SPG)

Appraisal:-

The main considerations in respect of this application are the principle of development, Design,
Impacts on the character of the surrounding area, highways, residential amenity and other issues

The Principle of Development

The proposed dwellings are situated within the settlement boundary of Carlton, however their proposed residential curtilages will extend into land that is officially defined as open countryside within the development plan. Notwithstanding this, there has been an historic change of use of the land on question and it is now utilised as residential curtilage.

Policy RES5 allows the principle of development within settlement boundaries, subject to the development complying with other policies within the plan. Notwithstanding this, changes to PPS3 in June 2010 removed private residential gardens from the definition of previously developed land. The subsequent letter from the Chief Planning Officer on 15th June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that are considered out of character. In this case, as the development proposed will be on the general footprint of the existing dwelling; on brownfield land, and there will be no encroachment onto the undeveloped garden area, the proposal is not considered to conflict with the intentions of PPS 3 and is therefore considered acceptable in principle.

Accordingly, there is a presumption in favour of residential development on this land subject to all other planning matters being appropriately addressed.

Design and Siting

The dwellings proposed, although not characteristic of this stretch of Barton Road, are visually attractive, well balanced, detailed properties. The fenestration is aligned and of replicable style and the cill and header detail add further interest. Chimneys, which provide interest to the roofscape are also present. The side elevations of the larger, forwardly projecting gables have little interest, however to ensure that the elevations are not completely blank, two bands of decorative brickwork have been added. Although these elevations will be visible from the street scene, due to the set back of the properties and the existing landscaping on the plot and along its boundaries, their appearance is not considered to have a detrimental impact on the visual amenity of the street scene which would justify refusal of the application. Accordingly, overall the design is considered acceptable.

The siting of the dwellings follows the uniform alignment of the adjacent properties. There is adequate room to the front of the properties for the parking and tuning of vehicles, and to the rear the garden sizes comply with the standards identified within the SPG on New Residential Development.

Impact on Countryside and Street Scene

In respect of impacts on the visual amenity and character of the surrounding countryside, there will only be slight glimpses of the proposal from the surrounding countryside to the north and west. This is due to the fact that there is dense, mature landscaping along these boundaries. Accordingly any impacts are not considered detrimental to the character of such.

The street scene along this stretch of Barton Road is characterised by low density development, consisting of large, dormered properties and houses situated on a uniform building line. There are front gardens and driveways to the fronts of the properties, with a dispersal of mature trees. The design and style of the properties however, differ considerably. The ground level falls in a western direction and thus the properties sit at a lower level than the street.

The proposed dwellings comprise a pair of pitched roofed properties with projecting front gables with timber detailing, integral double garages, rooflights and chimneys. The density of the development is much higher, and spacing between plots is marginal in comparison to than that of adjacent properties. The applicant has been requested to reduce the size of the properties in order to increase the distance between them. In response to this, a marginal reduction has occurred, however the spacing between the plots remains minimal (2 metres).

Despite the modern design, detailing, siting and density of the development; due to the mixed character of this stretch of Barton Road, which has been further reinforced by the recently permitted development at Fernlea House (06/00826/FUL), which was for the demolition of the dwelling and the erection of five dwellings of modern design arranged in a courtyard style, the impact of the proposal on the character of the street scene, is not considered compromised to a detrimental level and would not justify refusal of the application.

Concerns have been raised in relation to the ridge heights of the properties, in that they are higher than the existing dwellings and will appear out of character. In response to this, the development site is situated between a dormer bungalow to the south, with a ridge height of approximately 7 metres and a two storey dwelling to the north with a ridge height of approximately 7.8 metres. The ridge heights of the proposed dwellings have been staggered upwardly to the north, taking account of the increase in dwelling heights in this direction. Plot 1 will have a ridge height of 8 metres and plot 2 a ridge height of 8.4 metres. Although the dwellings will be higher than adjacent properties, the difference in height is not considered detrimental to the street scene by virtue of the spacing between the application properties, and the existing adjacent properties, their set back from the road and the fact that they occupy a lower ground level. Accordingly, their difference in height is not considered overly apparent when viewed from Barton Road.

Residential Amenity

The properties most affected by the development will be Kingswood, to the south and Field House to the to the north.

Plot one comprises a 4 bed house. In terms of impacts on the privacy of the adjacent property (Kingswood), there is single first floor side facing bathroom window on the southern elevation of dwelling. This is shown on the plans as being obscurely glazed. This will face towards the garage of the adjacent property. Due to the fact that this window will serve a bathroom, which is classified as a non-habitable room, this is not considered to result in any impacts on the privacy of the adjacent property. Further, as it is proposed that the window will be obscurely glazed, any views from the window will be prevented.

There is a rooflight to serve the en-suite of bedroom 2, which also faces the adjacent property, however, for the reasons outlined above, this too is not considered to give rise to any impacts on the privacy of the adjacent property. There are a range of ground floor openings, however these too serve non habitable rooms and views from them will also be limited by the 1.7 metre high close boarded fence on the boundary.

Four high level rooflights are proposed in the kitchen, however as these will be approximately 3.8 metres from ground level, the will be no views available from these. Accordingly, based on the above, there are considered no material impacts on the privacy of the adjacent property.

Plot one projects further than the front and rear elevations of the adjacent property. In terms of overshadowing, impacts on the adjacent property are considered marginal. This is due to the fact that the property is sited to the south, and a garage separates the dwelling from the proposal.

Officers were initially concerned that the extensive single storey rear projection (approximately 14 metres in length) with a height of 5.2 metres adjacent to the common boundary, would have a detrimentally overbearing impact on the neighbouring property. Accordingly to reduce such impacts it was considered necessary to re-site the proposal at a greater distance from the boundary. Amended plans were requested from the agent. These plans reduce the width of the rear projection and the projection is now flush with the remaining southern elevation of the property. Accordingly the distance of the proposal from the common boundary ranges from a minimum of approximately 1.5 metres to a maximum of 2 metres. By virtue of the amendments, and the fact that the ground on which the proposal is sited, has been lowered by a further 0.6 metres, the proposal is not considered to result in a detrimentally overbearing impact on the adjacent property.

In terms of impacts on the privacy of Fern House, plot 2 has two first floor side facing windows and a rooflight. These windows will serve either bathrooms or en-suites, which are considered non-habitable rooms and, aside from the rooflight, will be obscurely glazed. Accordingly these are considered to result in no material impacts on the privacy of the adjacent property.

At ground floor there are a range of windows serving habitable rooms, and whilst these may have some views of the adjacent property, given the close boarded fence along the boundary, and the fact that the adjacent property is approximately 9 metres from the application property, any impacts are not considered material and would not justify refusal of the application.

By virtue of the distance of plot 2 from Field House (9m), there are considered to be no material impacts in terms of loss of light and overshadowing and the proposal is not considered overbearing.

Concerns have been raised that the dwelling will overlook the rear garden of the adjacent property. Whist there may be some views over the adjacent garden, they will predominantly be over the rear section, which is not considered to be the main habitable section of the garden, and thus such impacts are not considered to be material to the privacy of this property.

Based on the above, the development is not considered to result in any material impacts on the adjacent properties and is therefore considered acceptable and compliant with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Highways

Director of Environment and Transport (Highways) has issued Standing Advice, specifically requesting that parking provision be considered. Concerns have also been raised by neighbours that parking provision may

not be sufficient.

Each plot provides an integral double garage and parking space on the driveways. This said, guidance states that for garage parking spaces to be counted towards the overall parking provision for the site, they must measure 6 metres x 3 metres. In this case the internal dimensions of the garages are considered inadequate to count towards the parking provision. Externally each plot provides 2 parking spaces on the drive. Although this number does not strictly comply with county highway guidance on parking provision, which states that a four bed property should provide 3 off road parking spaces, considering the spaces provided within the garage, albeit that they are slightly undersized, the development is not considered to result in a materially detrimental impact in terms of highway safety and thus there is not considered to be adequate justification to refuse the application based on inadequate parking provision, particularly given the availability of on street parking within the 30 mph speed limit..

Other Issues

Developer Contributions

Pay and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policy REC3 seek to deliver open space as part of residential schemes. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policy REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The site is not located within 400 metres of a Recreational Facility and therefore there is no requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Council's SPD on Play and Open Space.

Sustainability

Solar panels have been proposed, although there is no policy requirement for this development in terms of sustainability, such measures are considered beneficial.

Drainage

Head of Community Services (Drainage) has commented that there are no surface water sewers in the locality, and the foul sewer in Barton Road is not recorded as a combined sewer. Accordingly, it is stated that an alternative, sustainable drainage solution for the surface water management will be needed. A condition will be requested to this effect.

Concerns have been raised that no information has been submitted in relation to proposed boundary treatments. It is not necessary for this information to be submitted with the application and the details can be requested by way of condition.

The discrepancies identified on the original plans have been remedied through the amended plans.

It has also been raised that there is no the demand for the type of property proposed in the current housing market conditions. Market demand is not a material planning consideration.

Formal notification of the demolition of the dwelling is required prior to its demolition.

Conclusion

Although the development proposed is not characteristic of this stretch of Barton Road; due to the mixed character of the area and the proposals setback from the street scene, it is not considered to have a detrimental impact on the visual amenity of the street scene. Further, the design of the proposal is well balanced, there are no material impacts on the residential amenity of the adjacent properties, in terms of either privacy, overbearing impacts or overshadowing, and the proposal has no adverse impacts on highway safety. Accordingly the development is considered acceptable and compliant with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of its siting, scale, mass and design would not detrimentally impact on the amenities of neighbouring residents, the character and appearance of the street scene or highway safety and would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, RES5, NE14
Core Strategy (2009):- Policy 13 , Policy 16

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 10025-02F, 10025-03H, 10025-06b received by the Local Planning Authority on the 4.1.2012

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5 Prior to commencement of development, drainage details, incorporating sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development and implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of either unit and be maintained as approved thereafter.

6 Prior to commencement details of the boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then be implemented as approved prior to the first occupation of either unit and be maintained as approved thereafter.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning

3 In the interests of visual amenity and to safeguard the character of the area. To comply with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 In the interests of visual and residential amenity in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure there is an adequate method of surface water drainage in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

6 In the interests of visual amenity in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The applicant should be aware of the recommendations within section 6 of the Ecology Report (Gibney - August 2011)

6 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Contact Officer:- Eleanor Shaw Ext 5680