

3/15/1269/FUL – Erection of 1 No. 4 bedroomed detached house at land to the rear of 26 Chantry Road, Bishop’s Stortford, CM23 2SF for Mr Joseph McKenzie

Date of Receipt: 06.02.2015 **Type:** Full – Minor

Parish: **BISHOP’S STORTFORD**

Ward: **BISHOP’S STORTFORD – MEADS**

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Materials of construction (2E11)
4. Construction hours of working - plant and machinery (6N07)
5. Contaminated land survey and remediation (2E33)
6. Prior to the commencement of the development further details of the obscured vents proposed within the flank elevations as shown on drawing No. P006 shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

7. Landscape design proposals (4P12)

Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Hard surfacing materials (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables. Thereafter the development

shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

8. Landscape works implementation (4P13)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and the Bishops Stortford Neighbourhood Plan-Silverleys and Meads); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the Outline planning permissions that were granted under LPA references 3/14/0539/OP, 3/09/1658/FN and 3/06/2215/OP is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS Map. It is located within the built up area of Bishops Stortford, to the rear of No. 26 Chantry Road and is accessed via a private driveway that leads off Chantry Road. This access currently serves 26 Chantry Road and Nos. 28, 28a and 30a Chantry Road.
- 1.2 The site forms part of the rear garden of No. 26 Chantry Road and was previously occupied by a detached outbuilding.
- 1.3 The proposal seeks full planning permission for the erection of a detached dwelling house on the site. The dwelling would be sited approximately 1.3 metres forward of the front elevation of the adjoining neighbour No. 28A Chantry Road and a 1 metre would be retained to both of the side boundaries. A single garage is also proposed to the front of the dwelling.
- 1.4 The land levels within the site decline from a south west to north east

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direction. The dwelling is proposed as a 1½ storey building, with its first floor rooms accommodated within the roof. The eaves of the roof of the dwelling would reach a height of 3.3 metres from the lowest ground level (i.e. from the north eastern corner of the building) and would reach a ridge height of up to 6.8 metres. The adjoining site to the north east, No. 28 A Chantry Road, is occupied by a full 2 storey dwelling house. However, due to the declining land levels, the eaves and ridge heights of the proposed dwelling would match those of this neighbouring dwelling.

- 1.5 The current application follows a previous proposal for a new dwelling that was submitted in March 2015 under LPA reference 3/15/0486/FP. This application was withdrawn in order for the applicant to seek to address concerns that were raised by neighbours and Officers.
- 1.6 Since the withdrawn scheme the proposed dwelling has been reduced in size, it has been set back by 1 metre from the side boundaries with 28A Chantry Road; the garage has been repositioned away from the boundary with No. 28A, and the dormer style window and the roof lights within the front roof slope have been reduced.
- 1.7 The application is being reported to Committee at the request of Councillor K Warnell.

2.0 Site History

- 2.1 The relevant planning history for the site can be summarised as follows.
- 2.2 Outline planning permission was granted for the demolition of pool building and erection of 1 chalet bungalow with garage in 2007 under LPA reference 3/06/2215/OP. This outline planning permission was granted with all matters reserved.
- 2.3 In 2009 permission was granted for the renewal of outline permission for the demolition of the pool building and erection of 1 chalet bungalow with garage under LPA reference 3/09/1658/FN. This outline planning permission was granted with all matters reserved.
- 2.4 Outline planning permission was granted for the demolition of pool building and erection of 1 chalet bungalow with garage in 2014 under lpa reference 3/14/0539/OP. This Outline planning permission was granted with all matters reserved.
- 2.5 In March 2015 a full planning application for a new dwelling was

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submitted under LPA reference 3/15/0486/FP, this application was subsequently withdrawn.

3.0 Consultation Responses

- 3.1 The Conservation Officer has no comments to make on the proposal.
- 3.2 Thames Water has advised that, in respect of sewerage infrastructure capacity, they have no objections. They comment that it is the responsibility of the developer to make provision with regard to surface water drainage.
- 3.3 Environmental Health has recommended conditions in respect of construction hours of working and contaminated land.
- 3.4 County Highways do not wish to restrict the grant of permission. They have commented that the access is not maintainable at the public expense. The junction with the public highway is satisfactory, traffic generation will not be significant and sufficient car parking for the new dwelling is proposed

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council object to the proposal due to back land development and overdevelopment.

5.0 Other Representations

- 5.1 The application has been advertised by way of a site notice, press notice and neighbour notification.
- 5.2 7 No. representations have been received in objection to the proposal and these can be summarised as follows:
- The dwelling would be too large for the site;
 - The dwelling is very different to the proposal that was granted outline permission;
 - The access is outlined in red which makes the site appear larger, as the access is not owned by the applicant's it should be outlined in blue;
 - The contemporary design of the dwelling is out of keeping and the large glass windows would appear intrusive;

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- The dwelling would be situated forward of No. 28A Chantry Road and despite the 1 metre set back is still in close proximity which is out of keeping as no other houses in the area are sited as close together;
- The vents proposed within the side elevation adjacent to No.28A appear to be unnecessary;
- The large first floor windows will overlook No. 24 Chantry Road;
- The projecting rear dormer would create a flat roof effect giving the house a top heavy appearance;
- The proposal is contrary to Policy HSG7 and would appear obtrusive and over-intensive and contrary to ENV1 due to the massing and built form over the majority of the site and the impact upon neighbour amenity;
- The proposal is contrary to the Silverleys and Meads Neighbourhood Plan as it is out of keeping with its setting and the character of the area and result in a loss of neighbour amenity in respect of loss of sunlight, outlook and overlooking;
- The roof lights proposed within the front roof slope will shine light onto the driveway serving No. 30A Chantry Road and result in a loss of privacy;
- The garage wall is shown as a difference finish to the adjoining wall.

5.3 One letter of support has been received from the owners of No. 26 Chantry Road. Their comments state that they sold the land to the applicants who they selected from a list of purchasers believing that they would bring the type of young family that would blend in. At all times they state that they have acted openly and with integrity with their future neighbours.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV20	Groundwater Protection
BH6	New Developments in Conservation Areas
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking - Standards

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- 6.2 The provisions of the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Bishops Stortford Neighbourhood Plan-Silverleys and Meads are also material considerations in the determination of this application.

7.0 Considerations

- 7.1 The site is located within the built up part of Bishop's Stortford where new residential development is acceptable in principle. In accordance with the aims of the NPPF the site is within a sustainable location, within walking distance of the town centre and public transport. Furthermore, the outline planning permissions that have previously been granted at the site, including the extant outline permission granted under LPA reference 3/14/0539/OP, have established the principle of developing the site for one dwelling and they form material considerations in respect of the current proposal to which significant weight should be attached. Whilst proposals for the development of the site for one dwelling have previously been accepted, it should be noted that the outline permissions were granted with all matters reserved and, therefore, no previous decisions have been made in respect of detailed matters such as the siting, height, and design of the dwelling, or access and landscaping of the site. These are all matters that form part of this proposal however and will determine the impact that the development would have upon highway safety; the character and appearance of the area; the setting of the Conservation Area, and the impact upon the amenities of neighbouring occupiers.

Character and Appearance

- 7.2 It is noted that a number of the objections received from neighbours raise concerns that the proposed dwelling would be larger than the dwelling that was granted outline planning permission. It is noted that the outline planning permissions referred to a 'chalet bungalow'. However, as set out above, the outline permissions only agreed the principle of one dwelling being constructed on the site and not the type, style or size of the dwelling. Therefore, no weight should be attached to the indicative plans that were submitted with the previous outline planning permissions.
- 7.3 Whilst the development of the site is not restricted to a 'chalet bungalow', or similar, Officers would have concerns with a proposal for a full two storey building within the site, due to the raised ground levels relative to the adjoining neighbour at No. 28A Chantry Road. Such a proposal could result in a dwelling that would be much higher and more

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prominent than the neighbouring property. However, the current application proposes a 1 ½ storey building which would not exceed the height of the No. 28A Chantry Road. Furthermore, the roof of the proposed dwelling would pitch away from the front of the site whereas the neighbouring dwelling at No. 28A, has front gable ended projections. Officers consider that the proposed dwelling would not appear unduly prominent in relation to the adjoining neighbour No. 28A Chantry Road or within the surrounding area as a whole.

- 7.4 The character of the immediate area comprises a mix of large, mostly detached dwelling houses in large plots and the existing dwellings at Nos. 30A, 28 and 28A Chantry Road are all large detached properties, built to the rear of other properties fronting Chantry Road. Having regard to the character of the area; the previous approvals to develop the site for one dwelling; the reductions that have been made since the previous submission, and the space of 1 metre that is now proposed to each of the side boundaries, Officers consider that the size of the proposed dwelling is acceptable and would not be detrimental to the character and appearance of the surrounding area.
- 7.5 The proposed dwelling is primarily of a traditional form, it occupies a rectangular footprint and has a dual pitched roof and a chimney within the roof. However, a more contemporary approach is proposed in respect of the materials of construction, the style of the rear dormer window and the garage which is designed with a green roof. A light, cream coloured brick is proposed for the dwelling, with a number of inset timber panels proposed within the rear and front dormer windows and around the front entrance at ground floor. Large areas of floor to ceiling glazing are also proposed. Whilst it is acknowledged that the resulting dwelling would have a different appearance to the neighbouring dwellings, which are generally of a more traditional design, Officers do not consider that this would result in any harm to the character and appearance of the area. Having regard to the location of the site, which is set back from Chantry Road, it is noted that it does not form part of a historic street scene and is not located within a prominent position. It is considered therefore that the proposed design would not result in any demonstrable harm to the character and appearance of the area.
- 7.6 The southern site boundary adjoins the Bishops Stortford Conservation Area. It is noted that the Conservation Officer does not wish to make any representations regarding the proposed development. Having regard to this, and the location of the site, Officers consider that the proposal would not result in a significant or harmful impact upon the

setting of the Conservation Area, as set out in Policy BH6.

- 7.7 The concerns that have been raised in respect of the materials of construction for the garage wall are noted. A condition is recommended to ensure that details of materials to be used in the development are submitted to and agreed by the Planning Authority, prior to the construction of the new dwelling and this will enable Officers to ensure that suitable materials are used.

Neighbour Amenity

- 7.8 The proposed dwelling would be sited approximately 1.3 metres forward of the front elevation of the adjoining neighbour No. 28A Chantry Road. Having regard to the distance of approximately 1.5 metres that would be retained between the flank walls of the two dwellings, Officers do not consider that this modest forward projection would result in an overbearing impact or an unacceptable outlook from the habitable rooms within this neighbouring dwelling. As the dwelling would be situated to the west of this neighbour, this forward projection would not result in an unacceptable loss of light.
- 7.9 Obscured vents are proposed within the flank elevations of the dwelling. It is also noted that there is one small 1st floor window in the side elevation of the neighbouring dwelling at No. 28A Chantry Road. Having regard to the position of the proposed vents and as they are proposed to be 'obscured' Officers consider that they would not result in an unacceptable degree of overlooking into the neighbouring dwellings to both of the side boundaries, Nos. 26 and 28A Chantry Road. However, as detailed plans of the obscured vents have not been provided at this stage, a condition is recommended for further details of these to be submitted and approved by the Planning Authority. This will enable Officers to ensure that these openings are sufficiently obscured to protect the privacy of the adjoining neighbours.
- 7.10 The concerns that have been raised in respect of the overlooking that would be caused from the first floor rear windows into the rear gardens of the neighbouring dwellings to the south have been considered. The southern boundary of the site adjoins the rear gardens of neighbouring dwellings at No. 24 Chantry Road and Monks Walk, which is accessed off Half Acres. A distance of 7 metres would be retained between the first floor windows and the southern boundary which adjoins the garden of No. 24 Chantry Road and 12 metres to the south eastern boundary, which adjoins the garden of Monks Walk. The plans submitted show that a new tree is intended to be planted to the south western corner of

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the site and that other planting along the southern boundary would take place which would provide some screening between the neighbouring properties.

- 7.11 Any overlooking that would occur into the neighbouring gardens to the south would be limited to the rear parts of the gardens of those properties and no loss of privacy would occur to the habitable rooms or the more intimate garden areas close to the rear of the dwellinghouses. The resulting relationship between the new dwelling and surrounding properties would in fact be similar to those of other properties in the area and indeed, a common one for an urban area. Having regard to these circumstances Officers consider that the proposed dwelling would not result in an unacceptable loss of privacy to these neighbours.
- 7.12 The south western flank elevation of the proposed dwelling would be clearly visible above the boundary fence from the adjoining neighbouring dwelling No. 26 Chantry Road and therefore it is inevitable that the proposal would have some impact upon the light and outlook available to these neighbouring occupiers. However, having regard to the declining land levels towards the application site from No. 26 Chantry Road it would be mostly only the upper level of the building, above the eaves of the roof, that would protrude above a boundary fence. Having regard to these declining land level; the limited height of the dwelling; the set back of 1 metre to the boundary with this neighbour, and the set back of approximately 17 metres between the flank wall of the new dwelling and the rear wall of the neighbouring dwelling, Officers consider that the proposal would not result in an unacceptable impact upon the amenities of this neighbouring occupier.
- 7.13 The concerns raised in respect of overlooking and light shining from the proposed roof lights onto the driveway serving No. 30A Chantry Road are noted. The windows proposed within the front dormer window would be approximately 12 metres from the boundary with this neighbouring property No. 30A Chantry Road. These windows would overlook the driveway serving this neighbouring property, but again this is a common relationship between dwellings in an urban area and no loss of privacy would occur as a result so as to justify the refusal of planning permission. The proposed roof lights would be set back approximately 15 metres from the boundary with this neighbour's driveway and Officers consider that any light pollution caused to this neighbouring property would not be significant.

Access and Parking

- 7.14 The site would be served by the existing driveway off Chantry Road that currently provides access for Nos. 28, 28A and 30A Chantry Road. It has also been used for vehicular access to the rear of No. 26 Chantry Road when this land was used as part of the garden area of this property. County Highways have not raised any concerns in respect of the impact upon the junction with Chantry Road and have commented that there is sufficient space provided within the site for parking. Having regard to these comments and the existing use of the driveway, Officers consider the proposed access to be acceptable and consider that there would not be a severe impact upon highway safety.
- 7.15 It is noted that a number of neighbours have raised concerns in respect of the access being outlined in red. As the access into the site forms part of the planning considerations for this application, it is appropriate that this does form part of the application site and is outlined in red on the site location plan. It would not be appropriate for this to have been outlined in blue as this would usually indicate other land outside of the application site that is within the applicant's ownership. The driveway is understood to be outside of the applicant's ownership, and the application forms have indicated that the correct notice has been served on the land owner.
- 7.16 In respect of parking provision, the proposed dwelling would have space for two vehicles within the garage and two spaces on the driveway to the front of the garage resulting in a total of 4 spaces. The adopted parking standards, as set out within Appendix II of the Local Plan recommend a maximum parking provision of 3 spaces for dwellings with 4 or more bedrooms. The draft parking standards for the proposed District Plan also recommend 3 spaces with a reduction allowance of 50-100% that can be applied within Zone 3. The Neighbourhood Plan also suggests that 3 parking spaces should be provided for a new dwelling of this size. The parking provision made for the proposed dwelling is therefore considered to be acceptable.

8.0 Conclusion

- 8.1 The principle of the construction of one dwelling on this site has already been established with the previous grant of outline planning permission and significant weight must be attached to this.
- 8.2 Notwithstanding the objections received, Officers are satisfied that the proposed new dwelling would not result in an unacceptable impact

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upon the character and appearance of the area or upon the amenities of the neighbouring occupiers so as to justify the refusal of planning permission.

- 8.3 The proposal is considered to be acceptable and in accordance with the aims of both local and national planning policies. It is therefore recommended that planning permission be granted, subject to the conditions at the head of this report.