

4. **3/09/1020/FP - Erection of 1 dwellinghouse at 2B Park Lane, Bishop's Stortford, Herts, CM23 3NH for Mr K Ashraf**

Date of Receipt: 20.10.2009

Type: Full - Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - SOUTH

RECOMMENDATION

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

1. Three Year Time limit (1T121)
2. Samples of Materials (2E123)
3. Tree/natural feature protection: fencing (4P075)
4. No development shall take place until full details of the layout of the site and the foundations, including service trenches, ditches, drains and any other excavations of the proposed dwelling and the associated access, parking and turning area insofar as they might effect trees on the site or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter in accordance with the approved details.

Reason: To ensure that the building works do not prejudice the health and retention of the trees on or adjoining the site in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second review April 2007.

5. Tree protection: access road (4P193)
6. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure (including any gates walls or fences associated with the development); hard surfacing materials; planting plans; schedules of plants noting species, planting sizes and proposed numbers/densities and a timetable for implementation.

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

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7. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 6. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved landscape design in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

8. Before first occupation of the development hereby approved, the existing driveway shall be widened to 4.1m for a distance of 5 metres measured from the highway boundary in a material approved in writing by the Local Planning Authority and shall be retained as such thereafter.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety.

Directives

1. Other Legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD2, HSG7, ENV1, ENV2, ENV11 and TR7. The balance of the considerations having regard to those policies and the decisions within LPA references 3/03/1314/OP and 3/04/1385/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 extract. The site is located within the rear garden space of the property known as 2b Park Lane and comprises of a mainly lawned area with significant sized trees. An access road to two schools, Thorley Hill Junior School and Bishops Stortford High School, runs to the eastern side of the boundary.

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- 1.2 The proposed dwelling would be sited some 20 metres from the rear elevation of 2b Park Lane and approximately 17 metres from 2a Park Lane. The proposed dwelling is orientated so that the fenestration is sited on the east and west elevations of the property. The footprint of the proposal is some 84 square metres across the two stories at a maximum height of 7.4 metres. The accommodation consists of 3 bedrooms at first floor with a kitchen and lounge/diner at ground floor. The materials of construction consist of brickwork at ground floor and render with brick detailing at first floor.
- 1.3 There are a number of trees within the site which are protected by a Tree Preservation Order:- the proposed development does not involve the removal of those trees.

2.0 Site History

- 2.1 There is some planning history pertinent to the consideration of this application:-
- 2.2 Outline planning permission was refused within LPA reference 3/03/1314/OP for the erection of 3No detached dwellinghouses to the rear of 2a and 2b Park Lane. The reasons for refusal of that permission related to the loss of the protected trees within the site. No other reasons for refusal were cited.
- 2.3 Outline planning permission was also recently refused within LPA reference 3/04/1385/OP for three dwellings on this wider site for reasons relating to the protected trees, in terms of their longevity and potential loss in order to provide light to the new properties. However, no other reasons for refusal were found.

3.0 Consultation Responses

- 3.1 Environmental Health recommend the following conditions on any permission the Local Planning Authority may give:- Construction hours of working, dust, bonfires and piling.
- 3.2 County Highways do not wish to restrict the grant of planning permission. The Highways Officer comments that there is adequate parking and vehicle turning area which will be retained clear of the highway for both the new dwelling and the existing property. The Highways Officer comments that a site visit has taken place and acknowledges the relationship of the school access immediately adjacent to the access of the development and

recognizes that the additional dwelling will increase traffic movements. However, the existing access is wide enough to accommodate two way traffic and the increase in traffic is not considered to be significant against the existing flow within Park Lane.

- 3.3 The Arboricultural Officer has commented that there is a lack of detail within the proposed site plans which show the relationship of the trees with the new dwelling (including associated turning and access spaces) and a lack of detailed information regarding some of the trees on site. Nevertheless, the recommendation of the Arboricultural Officer is for conditional approval. The Officer comments that the trees on the site should be protected during construction works (in terms of foundations and fencing), in line with the relevant British standard and details regarding the storage of materials during the construction works should not be within the protected areas of the trees. All of those matters can be controlled via pre-development conditions, and accordingly the Officer is satisfied that trees on the site can be satisfactorily safeguarded.
- 3.4 The Arboricultural Officer comments that the siting and orientation of the dwelling in relation to the trees could prompt calls in the future for crowning or removal of the protected trees, although any such proposals can be dealt with and refused under the relevant TPO legislation.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council have objected to the development raising concern with the loss of amenity and privacy to neighbouring properties, contravention with policy ENV1 of the Local Plan and an inappropriate development for the area.

5.0 Other Representations

- 5.1 The applications have been advertised by way of site notice and neighbour notification.
- 5.2 34 letters of representation have been received which can be summarised as follows:-

- Impact/loss of Protected Trees
- Increase traffic movements in locality
- Impact on highway safety and pedestrian safety
- Impact on neighbour amenity
- Development out of keeping with the locality
- Inappropriate back-land development

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- Overlooking to the adjoining schools
- Insufficient access space to development and for emergency vehicles

6.0 Policy

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

- SD2 Settlement Hierarchy
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV11 Protection of Existing Hedgerows and Trees
- TR7 Car Parking - Standards

7.0 Considerations

7.1 The proposed development is located within the built up area of Bishop's Stortford where in principle there is no objection to development. However, the main planning issues in this instance relate to the following considerations:-

- Impact on surrounding area/amenity
- Highways matters etc
- Landscape matters
- Neighbour amenity

7.2 Members should also be mindful of the history of the site as outlined in section 2.0 above. Those proposals were only refused planning permission for reasons relating to the impact on trees within the site. They were for more dwellings than are proposed within this application and, even though they were determined in accordance with the previous Local Plan, they are a material consideration to which weight must be attached.

Impact on surrounding area/amenity

7.3 The proposed development would be sited within the rear garden space of the existing dwelling, 2b Park Lane, set some 20 metres or so from the rear of that property and 8 metres from the access road to Bishops Stortford High School and Thorley Hill Primary School. The proposed development would therefore interrupt the pattern of development within the locality. However, the degree of this impact is not considered to be significantly detrimental to the overall character and appearance of the locality to such an extent as to warrant the refusal of the application.

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- 7.4 The proposed development appears well spaced within the plot with a significant amount of space between the built form and the boundaries. Existing trees and landscape features within the site are proposed to be retained, which will soften the impact of the development from the street scene. Such landscape features can be strengthened and retained through appropriately worded landscape conditions.
- 7.5 In Officers opinion, the proposed development will assimilate well with the existing structure, layout and form of development within the locality, and will not result in the overdevelopment of the site, nor will it appear cramped within the setting.
- 7.6 The size, scale, massing, design and materials of construction of the proposed dwelling are considered to be appropriate in the context of the site. Although detached (as apposed to semi-detached – the predominant form of dwellings in the immediate locality), Officers consider that the proposal is of an appropriate massing, height and scale when put into context with the nearby dwellings within the locality.
- 7.7 For the reasons outlined above, the proposed development is considered to accord with the requirements of policies HSG7 and ENV1 of the Local Plan, and no objections are raised to the degree of impact on the appearance and character of the locality and adjoining development.

Impact on landscape features

- 7.8 There are a number of trees within the development site which the applicant proposes to retain. A tree report has been submitted with the application and the Councils Arboricultural Officer has had regard to this within his comments.
- 7.9 Whilst Officers are mindful of the level of concern raised by third party representations, specifically in relation to the protected trees, the Arboricultural Officer raises no specific concerns with regards to the impact of the development on those protected trees. The proposed dwelling will not, from the information available, be situated within the root protection area of the trees and it is considered that they can be adequately protected via suitable planning conditions.
- 7.10 A degree of concern is raised by the Arboricultural Officer in terms of the lack of information regarding the space allocated for the access road and associated turning space and how this might impact on the root protection area of the trees. However, it is felt that details regarding this issue can be adequately controlled via an appropriate condition that requires specific

details of those elements and any related foundations or earth works.

- 7.11 Having regard to the comments of the Arboricultural Officer, it is considered that the siting of the dwelling on the site would not result in a significant impact on the protected trees within the site. Whilst it is recognised that the proposed plans do not show a significant amount of detail relating to the access and parking/turning space, details regarding the impact of these elements on the protected trees can be secured and controlled adequately via condition. Having regard to those considerations the proposed development would not, in Officers opinion, conflict significantly with the requirements of Policy ENV11 of the Local Plan.

Impact on highway safety

- 7.12 It is recognised that a number of the letters of representation have outlined to the Council the existing access arrangements into the two schools, Bishops Stortford High School and Thorley Hill Primary School, and the impact that an additional dwelling would have in terms of parking, access and highway safety.
- 7.13 However, Members should also note the comments from the Highways Officer. The access arrangements for the development are considered by Officers to be acceptable in highway safety terms and would not lead to a significant increase in traffic, taking into account existing traffic flows.
- 7.14 Letters of representation have raised concern with the proposed access arrangements to the site. However, the Design and Access Statement makes it clear that the existing access serving 2b Park Lane would be shared with the new dwelling. The Highways Officer considers the proposed access to the site to be appropriate, subject to its widening at the entrance point in order to allow 2 way traffic movements. It is recognised that the plans do not show provision for the turning and parking space within the site; however, notwithstanding any potential impact on the trees within the site (which is discussed above in paragraph 7.8 – 7.11), having regard to the space within the site, the potential level of provision for parking and turning space is considered to be acceptable. Full details of these spaces and any associated hardstanding can be controlled through the recommended landscape conditions.
- 7.15 Officers consider that, having regard to the advice from County Highways and the space within the site which may be allocated for parking and access space, that the degree of impact on highway safety, traffic movements and parking provision is considered to be acceptable in this case. The requirements of policy TR7 would therefore be met.

7.16 Officers would however comment that it is not specifically clear where the 'boundaries' to the access spaces are proposed or the nature of any hardstanding associated with any such accesses. Whilst Officers are satisfied that there is adequate space, more detailed information regarding this issue can be sought and controlled adequately via the recommended hard landscaping condition.

Neighbour amenity

7.17 The concerns raised by neighbouring properties in terms of the impact on neighbour amenity are noted. However, in Officers opinion, the degree of impact is not so detrimental as to warrant the refusal of the development, for the reasons outlined below:-

7.18 In terms of the properties along Thorley Park Road, the main consideration is any overlooking impact. However, having regard to the distance between the rear elevation of the proposed dwelling and the rear façade of those dwellings effected (a distance of 41 metres as a minimum) Officers do not consider that there is a significantly harmful impact.

7.19 With regard to the properties to the east of the site, namely, 2 Park Lane and beyond; again taking into account the distance between the proposed development and those properties, the orientation of the development with those dwellings and the degree of screening afforded by the trees, I do not consider that there will be a significantly detrimental impact.

7.20 The remaining dwelling to consider is 2a Park Lane. As an adjoining property to number 2b, this property will inevitably be impacted upon to a certain degree. The letter of representation from this neighbour reflects concerns relating to overlooking, overshadowing and loss of outlook. I would comment that, having regard to the orientation of the proposed dwelling with number 2a (which consists of a significant acute angle) and the distance between the properties (20 metres), I do not consider that the proposed development would result in a significant degree of impact that would warrant the refusal of the application.

Conditions

7.21 Taking into account the lack of detail regarding the materials of construction and any hard or soft landscape plans, it is considered that these matters can be sought and implemented to the benefit of the successful integration of the development with adjoining development through the relevant appropriately worded conditions set out at the commencement of this

report. For these reasons Officers consider that the suggested conditions are necessary and reasonable in this case.

- 7.22 Having regard to the comments from the Arboricultural Officer, it is considered to be necessary to protect the existing protected trees from potential damage during the construction phase of the development. To this extent, it is considered to be relevant to require details relating to the proposed foundations of the trees and to require fencing around the trees during the construction phase.
- 7.23 The comments from the Highways Officer have been noted and, for reasons relating to highway safety it is considered necessary to ensure that the existing access is widened in appropriate materials.

8.0 Conclusion

- 8.1 Having regard to the above considerations Officers are of the view that the proposed development is acceptable in its size, scale, layout and design. It would not appear incongruous in the context of the surrounding area and would have no significant adverse impact on the character and appearance of the locality. The requirements of policies HSG7 and ENV1 would thus be met. The degree of impact on highway safety is acceptable, as is the level of provision for parking and access space. There are a number of protected trees on the site; however, the degree of impact on those trees is not considered to be significant and can be controlled effectively via condition. The impact on neighbour amenity under the requirements of policy ENV1 has been considered also, and for the reasons outlined above is not considered to be to such a degree as to warrant the refusal of the application.
- 8.2 It is a material consideration that planning permission has previously been refused for a more significant development relating to the impact on the loss of the protected trees only. This application proposes to retain those trees which Officers consider to be acceptable and any impact on those trees as a result of the development can be effectively controlled via condition.
- 8.3 Having regard therefore to those previous decisions, which are a material consideration to which Officers consider that weight should be attached, combined with the above considerations, it is recommended that planning permission be granted subject to the conditions set out at the commencement of this report.