

3/09/1770/OP - Erection of dwelling within garden at 22 Myddleton Road, Ware, SG12 9JT for Mr. Brian Donoghue.

Date of Receipt: 03.11.2009

Type: Full - Minor

Parish: WARE

Ward: WARE – CHADWELL

RECOMMENDATION

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

1. Outline permission time limit (1T13)
2. Details of the access, appearance, landscaping, layout and scale (the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with those approved details

Reason: To comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended)

3. The height of the building hereby permitted shall be restricted to a maximum of 6m, measured externally from ground level.

Reason: To protect the character and appearance of the street in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007. In the particular circumstances of this case, a building of greater height is likely to have a significant and detrimental impact on the surrounding area.

4. Contaminated land survey and remediation (2E33)
5. Tree Survey (4P01)

Directives:

1. Other legislation
2. The submitted drawings are indicative only, and will not prejudice the decision of the Council on any application for reserved matters that may be submitted.

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 policies SD2, HSG7, TR2, TR7, ENV1, ENV2, ENV10, ENV11. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (177009OP.HS)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises the garden area of an existing 2½ storey detached dwelling, 22 Myddleton Road which is positioned side-on to Meadview Road. Myddleton Road rises steeply to the south and is characterised by a mix of mostly two storey detached and semi-detached dwellings. Meadview Road is a cul-de-sac comprising a mix of two storey and single storey detached and semi-detached dwellings.
- 1.2 This is an outline application, with all matters reserved, for a new detached dwelling. Indicative drawings of the access, layout and scale of development have been submitted.

2.0 Site History

- 2.1 A two storey side extension was approved at No. 22 in August 2001 (reference 3/01/1117/FP) following an earlier refusal (3/01/0087/FP), and a single storey side extension was subsequently approved in September 2003 under reference 3/03/1413/FP.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission subject to the detailed plans submitted in connection with any reserved matters application making provision for off road parking to the satisfaction of the Local Planning Authority. They advise that the principle of the scheme is acceptable in a highway context. The new property would make use of an existing access onto Meadview Road whilst the existing dwelling would continue to make use of the existing off road parking accessed from Myddleton Road.

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- 3.2 Environmental Health raise no objection subject to conditions on construction hours of working and land contamination.
- 3.3 The Council's Landscape Officer recommends consent subject to conditions on tree protection, tree surgery, landscape proposals, implementation, and details of earthworks. She advises that there are 2 no. mature Norway spruce along the northern boundary of the site, 3 no. ash trees and a line of western red cedar along the western boundary of the site, adjacent to the garage. There is also a hedge on part of the southern boundary. No accurate survey plan has been submitted.
- 3.4 In terms of the Norway Spruce, it is likely that the tree furthest away from the existing dwelling will be lost as part of this scheme, and the remaining tree could be affected by the construction of the new dwelling within the Root Protection Area (RPA). Whilst it would not be unacceptable to lose the tree furthest from the existing dwelling, she would prefer not to lose both trees from the street scene.
- 3.5 The ash trees and line of conifers on the western boundary appear to be located within the grounds of the adjacent property. The RPA of these trees will extend into the site across the area of proposed construction/ground reduction. Any work within the RPAs will need to be carried out in accordance with BS5837:2005. In order to ascertain the exact impact on trees, an accurate tree survey will be required.
- 3.6 At the time of writing no response had been received from Engineers, Waste Services or Veolia Water.

4.0 Town Council Representations

- 4.1 Ware Town Council object on the grounds of over-development, loss of amenity to neighbouring properties, insufficient detail on sewerage, road safety concerns as egress from the property is on a blind bend onto Meadview Road which has a considerable amount of traffic from Herts Regional College.

5.0 Other Representations

- 5.1 The application has been advertised by way of a discretionary site notice and neighbour notification.
- 5.2 6 no. letters of representation have been received from Nos. 20a and 24 Myddleton Road and Nos. 3, 4, 12 and 13 Meadview Road, which can be summarised as follows:-

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- There is a separate restrictive covenant that forbids any development of this nature within the garden of No. 22;
- Dwellings in this area are individually designed and large plots with buildings well set-back;
- Unacceptable over-development;
- No. 22 has already been extended twice, reducing the garden;
- Would set a precedent for erosion of the quality of the area;
- Loss of 2 parking spaces and garage for No. 22 - the area has parking problems due to proximity to Hertford Regional College;
- Loss of biodiversity;
- Loss of light, privacy and outlook for neighbouring dwellings and loss of view across to the Meads from No. 24;
- The location is not ideal for older people as the road is so steep and the building has not been designed for older people;
- Three dormers at the front will dominate the roof;
- Concern over connection to existing sewage system which is at full capacity;
- Concern over disruption, safety and congestion during construction;
- A 2 bed bungalow was on the market in the street for 18 months and could therefore have been purchased at the time.
- Two pine trees will be affected - they give the local area beauty and character;

5.3 A letter has also been received from Cllr Pope, which can be summarised as follows:-

- The plot is too small to support a second dwelling;
- The dwelling will overlook bungalows opposite and dwelling next-door;
- Adverse impact in the street scene due to its proximity to the road and could set an unwarranted precedent;
- Unclear whether trees will be retained;
- Both dwellings will have small gardens.

6.0 Policy

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

SD2	Settlement Hierarchy
HSG7	Replacement Dwellings and Infill Housing Development
TR2	Access to New Developments
TR7	Car Parking - Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV10	Planting New Trees
ENV11	Protection of Existing Hedgerows and Trees

In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing) are considerations within this application.

7.0 Considerations

Principle of Development

- 7.1 The site lies within the built-up area of Ware wherein infill residential developments are acceptable in principle in accordance with policy HSG7, and the construction of a 2 bed dwelling in this location would contribute to a wider housing need in accordance with PPS3. The main issues in this case relate to impact of the development on the character and appearance of the area, neighbouring amenity, parking and impact on existing trees and hedges.

Scale and Layout

- 7.2 An indicative drawing has been submitted which shows a 1½ storey detached dwelling measuring approximately 10m wide by 7m deep with an indicative height of 6m. It is situated on a plot that measures approximately 15m by 15m, amounting to a density of approximately 44 dwellings per hectare (dph). Although this is a higher density than the immediate vicinity (approximately 20dph), this is in accordance with wider Government policy on residential development in PPS3 which recommends a minimum density of 30dph to ensure efficient use of urban land.
- 7.3 The dwelling would be located at the end of the garden of No. 22 Myddleton Road with an existing single detached garage to be demolished. The new dwelling would therefore front onto Meadview Road, and infill an existing gap in the street. The northern boundary of the site is currently kept by an approximately 1.8m high close boarded fence which is of little visual interest. Concerns have been raised that this development would set a precedent in the street; however there are no other similar plots in Meadview which benefit from a frontage onto the public road.
- 7.4 The plot size of the new dwelling will clearly be smaller than those in the immediate area, with less garden space available for amenity. The existing garden serving No. 22 will also be reduced by 15m in length. However, it is important to consider whether any the harm would arise from such a development. The Council has no adopted amenity space standards for new developments; a judgement is made on residential amenity based on the provisions of policy ENV1(d) but this does not define a minimum garden size threshold. The proposed area of approximately 90m² is considered reasonable for a small dwelling. It is also noted that there are a variety of plot sizes in the wider area, including some of similar land area further south.

- 7.5 The indicative layout drawing shows the new dwelling sited forward on the plot in order to provide space for a private rear garden. A number of concerns have been raised over the visual impact of this development in the street. The indicative layout shows the dwelling set back from the pavement by approximately 2.5m. It is noted that all other dwellings in the street are set back by at least 3.5m with No. 1 Meadview, next-door, set back up to 8m. However, the road curves round to the southwest such that dwellings on the southern side of Meadview are staggered. When comparing the siting of the new dwelling with this curved building line, it would not encroach significantly beyond the building line. Further, it is noted that No. 22 Myddleton Road has been extended to be almost adjacent to the pavement at 2½ storey level. Therefore, whilst Officers note that the new dwelling would be clearly visible when entering Meadview Road, they do not consider that a detached bungalow in this location would appear unduly prominent or contrary to the established pattern of building in the street.
- 7.6 The indicative drawings show a 1½ storey dwelling with 2 no. bedrooms in the roofspace with 3 no. front dormers. In terms of character, the surrounding area is characterised by a mix of style and size dwellings, including a pair of semi-detached single storey bungalows opposite. The construction of a 1½ storey dwelling would therefore not appear out of character. Officers are concerned that the provision of 3 no. dormers would dominate the principal roofslope; however full design details will be agreed under a reserved matters application. Officers also consider that the height of the building should be restricted to 6m by planning condition as a full two storey dwelling would appear unduly prominent in the street.

Neighbouring Amenity

- 7.7 Neighbouring comments regarding loss of light and overlooking are noted; however the dwelling will be sited at an adequate distance from neighbours so as not to result in harm. The detailed design of the dwelling can be controlled through reserved matters to restrict first floor flank elevation windows that would provide views to Nos. 22 Myddleton Road and 1 Meadview Road. It is noted that the dwelling would be located in close proximity to the rear garden of No. 24 Myddleton Road. However, given the obscure angle involved, there would be no harmful overlooking of private garden space or rear habitable windows.
- 7.8 The new dwelling would face a pair of semi-detached bungalows, and a well set back infill dwelling opposite; however this relationship is no different from any other residential street. Overlooking from front rooms would therefore not be significant or harmful.

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- 7.9 Some overlooking would arise from the rear windows of No. 22 to the rear garden area of the new dwelling. However, at a distance of 12m Officers do not consider this to be significant.
- 7.10 Finally, no harmful overbearing or loss of light would result given the scale of the development, the orientation of the site, and the distance of the dwelling from neighbouring properties. Comments regarding a loss of view from No. 24 are noted; however private views are not a material planning consideration.

Access and Parking

- 7.11 It is proposed to use an existing access off Meadview to serve the new dwelling. This is currently used for parking with a detached single garage in connection with No. 22. Highways have raised no objection to the use of this access, and advise that parking provision should meet the Council's adopted standards. For a 2 bed dwelling, a maximum of 1.5 spaces would be required, which can be reduced by 25% given the location of the site. It is therefore the Officer's view that the provision of 1 no. off-road parking space to the side of the new dwelling would be acceptable. An indicative distance of 4m is shown between the new dwelling and western boundary. This would be sufficient to provide space for the parking of 1 vehicle with space remaining for enhanced landscaping.
- 7.12 For No. 22, parking for 3 no. cars would be provided on the existing forecourt on Myddleton Road, which has already been hard-surfaced. It is understood that this dwelling has 5-6 bedrooms, which would require a maximum of 3 no. parking spaces. Sufficient space would therefore remain for parking in connection with the original dwelling.
- 7.13 Neighbour comments regarding access and parking are noted; however the use of an existing access will minimise impact on the highway and highway/pedestrian safety. Further, the additional vehicular movements associated with an additional 2 bed dwelling would not significantly impact on the highway network.

Trees and Landscaping

- 7.14 There are a number of trees on site that may be affected as a result of this development, including 2 no. mature Norway Spruce to the front of the site and 3 no. ash and a row of red cedar along the western boundary. The Council's Landscape Officer has visited the site and raises no objection to the proposal, subject to a number of conditions, and the submission of full details and a tree survey with the reserved matters application. None of these trees are protected, and the Landscape Officer has not considered them worthy of a Tree Preservation Order.

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7.15 She notes that it is likely that one of the Norway Spruce trees will be lost as a result of the development, but this is not unacceptable. It would be preferable for the Norway Spruce closest to the existing dwelling to be retained; however this may require specialist foundations in order to protect the RPA. Overall, however, no objection has been raised by our Landscape Officer, and it is your Officer's view that the construction of a single detached dwelling is possible on this site without resulting in an unacceptable impact on trees. Full landscaping details would be required under a reserved matters application, and conditions would then be applied to protect remaining trees. With planting and a sensitive design, the frontage can be improved by comparison with the existing close boarded fencing.

Other matters

7.16 Neighbour comments regarding the sewerage system are noted; however this is not a material planning consideration, it is a matter for Building Regulations. The application form indicates that the drainage would be achieved by way of a soakaway. Should this rely on any existing systems under different land ownership, then this would be a civil matter. The site is not located within a floodzone.

8.0 Conclusion

8.1 Overall, it is considered that the construction of a single small detached dwelling on this plot of land would, subject to the approval of further detailed plans, comply with policy HSG7 on infill housing developments. Although the resulting plots would be small in comparison to the surrounding area, it is not considered that undue harm would arise. The dwelling would infill an existing gap in the street and would not appear unduly prominent or obtrusive. Further, the proposal would result in no harm to neighbouring amenity, the existing highway network, or existing trees.

8.2 The application is therefore recommended for approval subject to the conditions set out above.