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

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) 7360-01; 7630-2; 7360-3; 58110.01; 58110.02; 58110.03; 58110.04
3. Samples of materials (2E12)
4. Tree retention and protection (4P05)
5. Tree/natural feature protection: fencing (4P07)
6. Tree protection: excavations (4P09)
7. Landscape design proposals (4P12)
8. Landscape works implementation (4P13)
9. No further windows (2E17) insert 'north facing flank elevation'

Directive:

1. 01OL – Other legislation

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, HSG7, ENV1, ENV2, ENV11 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (152011FP.SE)

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1.0 Background:

- 1.1 The application sites are shown on the attached OS extracts.
- 1.2 The sites are located within the built up area of Bishop's Stortford. The combined application sites have an area of an estimated 0.21 hectares. The northeastern boundary of the site forms the boundary of the Bishop's Stortford Conservation Area. This boundary is also formed of a selection of Oak, Yew, Ash, Cupressus, Larch and Lime trees, which are protected under a Tree Preservation Order (TPO 121). This boundary separates the site from the curtilages of number 3 Oakleigh Court and 125a Hadham Road.
- 1.3 The southwestern boundary of the site bounds the curtilage of number 4 Maple Avenue. This boundary consists of mature trees and hedgerows forming a level of seclusion between the dwellings. The northwestern (rear) boundary of the site bounds the curtilages of numbers 131b Hadham Road and number 8 Maple Avenue and the southeastern (front) boundary is heavily vegetated forming a natural screening to the site. The locality is characterised by large, predominantly detached dwellings of varying periods and designs; evenly spaced amongst large lawn areas and mature trees, shrubs and hedgerows.
- 1.4 The existing dwelling, number 2 Maple Avenue, is sited in the north-eastern corner of the combined site. It is a large two storey dwelling of red brick and tile construction dominated on the front elevation by a large gable and bargeboard detail. Whilst the general form of the dwelling is of simple high gables, it is characterised on the side (southwestern) elevation by two-storey circular bay, which by its height and level of protrusion, together with the large sash windows possibly dates this dwelling to the late 19th Century or early 20th Century. A single storey extension protrudes from the southern corner of the dwelling sitting perpendicular to the general plan form of the massing of the dwelling, and the front (southeastern) elevation has a decorative portico.
- 1.5 The proposed replacement dwelling (3/11/1521/FP) is of an 'L-shaped' plan form. It is proposed to be 10.6 metres in height to the ridge of the gabled roof form (mid point of frontage) and 5.2 metres in height to the eaves. The rear elevation has a 7.8 metre deep protrusion resulting in a gabled ridge form 9.6 metres in height, and an eaves height matching that of the remaining dwelling. The proposed dwelling also has two external chimney stacks, one centrally located on each flank elevation, measuring 12.2 metres in height.
- 1.6 The finer details of the replacement dwelling are achieved by the design

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of the fenestration. The front elevation has two double bays with gabled roof forms with detailed bargeboards. The larger central double bay has a large window at first floor divided by three mullions, and the ground floor accommodating a large porch accessed by an arched opening. The smaller of the double bays has the same bargeboard detail but has simpler casement windows design at ground and first floors. The front and rear roof slopes have three small gabled dormers on each slope.

- 1.7 A double garage is proposed for the replacement dwelling sited forward of the front elevation of the dwelling. The garage is to be 6.8 metres in width, 6.8 metres in depth, 6.8 metres in height to the ridge of the gabled roof and 2.5 metres in height to the eaves.
- 1.8 The proposed additional dwelling (3/11/1520/FP) is to be sited approximately 3 metres to the southwest of, but in a common alignment with the proposed replacement dwelling. It is proposed to have a rectangular plan form, with a small projecting wing to the southern elevation. The dwelling has been described in the Design and Access Statement as a small three bedroom lodge, subservient to the replacement dwelling.
- 1.9 The width of the main element of the dwelling is to be 6.1 metres with a length of 15.4 metres. The height of the ridge of the gabled roof form is 9.1 metres, with an eaves height of 4.9 metres. The south projecting element of the proposed dwelling is to have a width of 2.3 metres, a depth of 7 metres, and a gabled ridge height of 8.3 metres. The eaves height to the rear of this projection is to match that of the remaining dwelling, but will be reduced to 2 metres to the front elevation (where the front door is to be sited).
- 1.10 This additional dwelling is to have a garage matching the size, scale and design to that of the replacement dwelling, and sited forward of the dwelling opposite and facing the neighbouring garage.
- 1.11 Members will note that this report relates to two applications for development on the site. Whilst it is necessary to consider the merits of each application on their own basis, it is also important to consider the cumulative impact of the proposed developments.
- 1.12 These applications have been referred to Committee at the request of a Member.

2.0 Site History:

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2.1 3/08/1846/FP – Replacement portico (Approved)

3.0 Consultation Responses:

- 3.1 County Highways in respect of application 3/11/1520/FP – additional dwelling, comment that they do not wish to restrict the grant of permission, but have commented that the proposal for the additional three bedroom dwelling has been submitted in conjunction with application 3/11/1521/FP for a replacement six bedroom dwelling. No alterations have been proposed to the existing vehicular access arrangements onto Maple Avenue which will be used to serve both properties. Given that sufficient off street parking/ turning has been provided (as shown on drawing number 58110.01) and Maple Avenue is a private road and not maintainable at public expense, this proposal is unlikely to have any significant impacts on the safety and capacity of the public highway.
- 3.2 In respect of application 3/11/1521/FP – replacement dwelling, they commented that they do not wish to restrict the grant of permission, but have made similar comments to those made in respect of application reference 3/11/1520/FP.
- 3.3 The Landscape Officer raised no arboricultural concerns with regard to the replacement dwelling or the proposed additional dwelling subject to conditions relating to a tree protection plan and method statement. However, in respect of the proposal for a replacement dwelling the Officer raises concerns in respect of the siting of the garage and considers that the current location to the rear of the site is preferable. He comments that due its proposed siting to the front of the dwelling it adds to the scale and mass of the replacement dwelling and gives the development a cramped feel. In respect of the application for the additional dwelling the Officer comments that the site planning and layout is flawed and a revised site layout is needed that shows two distinct and separate plots as the Officer has concerns with the relationship between the two buildings. It is for these reasons that the Officer recommends refusal of the two applications.
- 3.4 Thames Water did not object to this proposal but offered comments with regard to waste and water, which could be applied as an informative to an approval
- 3.5 Environmental Health have commented that any permission granted should include conditions relating to construction hours of working, dust, asbestos, bonfires, soil decontamination and piling works.

4.0 Town Council Representations:

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4.1 Bishop's Stortford Town Council raised no objections to both proposals.

5.0 Other Representations:

5.1 The applications have been advertised by way of site notice and neighbour notification.

5.2 31 letters of representation have been received including a letter of representation from Chantry Community Association (16 in respect of 3/11/1520/FP and 15 in respect of 3/11/1521/FP) which can be summarised as follows:

- Loss of existing dwelling which is historically important;
- Demolition of existing dwelling is unnecessary;
- Overlooking (loss of privacy) of surrounding properties;
- Loss of existing landscaping;
- Overdevelopment of site - adverse impact upon street scene
- Overbearing and visually intrusive
- Highway safety concerns – inadequate provision of parking and impact upon pedestrian safety;
- Impact of development on existing trees;
- Loss of light to nearby properties due to size and siting of the proposed dwellings and garages;
- Impact of excavations and foundations on nearby properties;
- Impact on character and nature of the area – development would be out of keeping;
- Impact on water table;
- Increase in noise levels due to activity on site;
- Increase in amount of artificial light and impact on wildlife;
- Lack of spacing between the dwellings and the increase in density of development;
- Impact of ground water run off;
- Impact on existing sewers;
- Impact on Maple Avenue which is a private road; and
- The proposal would represent 'garden grabbing'.

6.0 Policy:

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

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|------|--|
| HSG7 | Replacement Dwellings and Infill Housing Development |
| TR7 | Car Parking – Standards |

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- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV11 Protection of existing trees and hedgerows

6.2 In addition, the following National policy guidance is relevant:-

- PPS3 Planning Policy Guidance 3, Housing

7.0 Considerations:

Principle of development

- 7.1 The site is located within the main settlement of Bishop's Stortford wherein the principle of replacement dwellings and infill housing development is established by policy HSG7 of the Local Plan.
- 7.2 Officers note the concerns expressed by some local residents that the demolition of the existing dwelling is unnecessary. As Members will note in respect of the wording of policy HSG7 there is no objection in principle to proposals for replacement dwellings within the built up area of the six main settlements, the integrity or otherwise of the existing dwelling does not form part of the considerations of the policy.
- 7.3 The historical significance of the building was also a matter raised by some local residents. Whilst it is acknowledged that the existing building is a period property and is of a pleasant design, the existing property does not have statutory designation or protection. Furthermore, Officers do not consider that the building is of such importance to the area or has a significance that merits some degree of protection or local listing.
- 7.4 Concern has also been raised that the proposal would represent 'garden grabbing'. The amendments made to PPS3 in 2010 which coined this phrase excluded 'private residential gardens' from the definition of previously developed land. This means that residential gardens do not now enjoy any priority status when it comes to considering the acceptability of development. However, notwithstanding this change, the policies of the Local Plan continue to identify Bishop's Stortford as a main settlement (wherein development is acceptable in principle therefore in accordance with policy SD2). The change to PPS3 does not prohibit development on private residential gardens in the main settlements.
- 7.5 Having regard to the above considerations, the principle of the subdivision and the redevelopment of the land which is the subject of these applications is therefore considered acceptable subject to the more

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detailed considerations of policies HSG7 and ENV1 of the Local Plan.

Detailed considerations

- 7.6 Policy HSG7 states that replacement dwellings and infill housing development within the main settlements is considered appropriate providing that the development is:
- well sited in relation to the surrounding buildings and will not appear obtrusive or over intensive;
 - will not result in the loss of important landscape features;
 - the design compliments the character of the local built environment and has regard to local distinctiveness and,
 - that the development compliments the local natural surroundings and has regard to the pattern of planting or open spaces including hedging, walling or other boundary treatment.
- Regard should also be had to policy ENV1 of the Local Plan which states that all development proposals will be expected to be of a high standard of design and layout and reflect local distinctiveness.
- 7.7 The surrounding built form predominantly consists of large dwellings within large spacious plots. The proposed dwellings would still both sit in generous plots (comparable with many in the area) and sufficient space would remain to the boundaries such that the existing spacious pattern of development would generally be retained. The development of two dwellings on the site would therefore not result in over intensive development of the site and in that respect the proposal is considered to accord with policies ENV1 and HSG7 of the Local Plan.
- 7.8 Having regard to the proposed replacement dwelling (LPA ref: 3/11/1521/FP) it is noted that its height (at around 10.5 metres) would be marginally lower than that of the building to be replaced. Notwithstanding the differences in height, it is Officers opinion that the new dwelling will have more of a presence on the site due to the massing of the roof (created by the length of its ridge and the gabled roof form), together with the height and siting of the external chimney stacks. The size and scale of the rear protrusion will also give the dwelling more presence within the site due to its increased depth, although largely hidden from public view.
- 7.9 Whilst this dwelling will have a massing that will result in a building that will be perceived to have an increased presence on the site, Officers do not consider that it would be obtrusive or over intensive. It is noted that the proposed dwelling would be sited approximately 10 metres into the site and would be screened from Maple Avenue by the established and mature

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landscaping. It is therefore considered that the increase in size and scale of the dwelling in comparison to the building to be replaced would not result in a building that would be harmful in relation to the character and appearance of the street scene or surrounding area.

- 7.10 Officers note that the proposed double garage building associated with the replacement dwelling will offer increased prominence within the site, especially with regard to the ridge height and the massing of the roof form. Whilst this would be a departure from the current site layout, since the existing garage is located to the rear of the dwelling, it is not considered harmful, nor resulting in an over intensive form of development. It is comparable with the layout of the Oakleigh Court site to the north of the site.
- 7.11 With regard to the additional dwelling (LPA ref: 3/11/1520/FP), Officers acknowledge that this building has been designed to be subservient to the replacement dwelling. Whilst this results in an unusual relationship when having regard to the more uniform appearance of the dwellings within the locality, it is not considered to be harmful to the overall character and appearance of the street scene.
- 7.12 The design of the proposed additional dwelling adopts similarities to the design features of the proposed replacement dwelling. The simple gabled roof and the uniform fenestration details, together with the external chimney stack relates to the adjacent dwelling, but its comparatively smaller size and scale allows the dwelling to sit comfortably within the site.
- 7.13 The proposed additional dwelling is also proposed to have a garage located in a similar but opposing location to that proposed to the replacement dwelling. As already outlined in respect of the replacement dwelling Officers consider that the proposed garage would be of a size, scale, siting and design that will not be over intensive within its setting or harmful to the character and appearance of the street scene.
- 7.14 To summarise, it is considered that the proposed replacement dwelling is of a size, scale, siting and design such that it would not be prominent in, or harmful to the character and appearance of the street scene. With regard to the proposed additional dwelling, Officers consider that it would have a subservient relationship to the replacement dwelling and would not be obtrusive or an over intensive form of development. The proposals will have the impact of reducing the space around the buildings and introducing more built form to the site. However, this is considered to remain compatible to much of the Maple Avenue surroundings and not to have such an impact that is unacceptably harmful. In this respect it is considered that the character of the adjoining Conservation Area is

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preserved. For these reasons it is recommended that the proposals are in accordance with policies HSG7 and ENV1 of the Local Plan.

Amenity considerations

- 7.15 In considering firstly the relationship of the proposed development to 3 Oakleigh Court, Officers acknowledge that the proposed replacement dwelling together with the detached garage will result in more development in proximity to the boundary between the two dwellings than currently exists. It is also noted that the proposed dwelling would project further into the site than the existing dwelling. Notwithstanding the above it is considered that due to the orientation of the dwellings and that there would be some 11 metres separating them, this proposal will not cause harm to the amenities of the occupants of this neighbouring property. It is also important to consider that there is existing landscaping along the boundary between the two properties which would help to soften the impact and appearance of the development when viewed from no. 3 Oakleigh Court. It is noted that the application proposes 2 windows at first floor level in the flank elevation of the proposed dwelling. These windows are proposed to serve a bathroom and en-suite bathroom. It is therefore recommended that a condition be attached to any grant of permission recommending these windows to be obscure glazed.
- 7.16 In respect of no. 4 Maple Avenue, concern has raised that the south facing windows of the additional dwelling will look directly at the neighbouring property resulting in a loss of privacy detrimental to the enjoyment of their living room and bedroom. The occupier of no. 4 comments that whilst during the summer months the dwelling will be protected from view by mature trees, these trees are deciduous and the protection will not be all year round.
- 7.17 Officers have noted that the first floor bedroom windows of the proposed dwelling will face south towards the flank of no. 4 Maple Avenue. No. 4 is orientated east west and is set back some 26 metres into the site. This means that, where views can be had towards it, they will primarily be to the less private frontage area. Views of the rear garden, where greater privacy is expected, are much reduced in comparison. In addition some 16 metres would remain between the dwellings. In considering the orientation of these dwellings, the distance separating them, and the (albeit seasonal) natural screening between the properties by the landscaping along the boundary, it is Officers opinion that any overlooking would not be of such harm to warrant refusal of the application.
- 7.18 In respect of both neighbouring properties to the north and south of the site, it is considered that due to the site and siting of the proposed

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dwellings and the mature landscaping around the site that the proposed development would not result in any unacceptable harm in respect of loss of light or outlook, or overbearing impacts to warrant refusal of the application.

- 7.19 To the west of the application site is no. 131B Hadham Road. A minimum distance of some 24 metres would remain between the rear elevations of the proposed dwellings and the boundary with this property. Taking this distance in to account and the existence of landscaping along this boundary, it is considered that the proposed development would not result in any significant harm to the amenities of the occupiers of this dwelling.
- 7.20 In respect of the impact of the development on the occupiers of no.7 Maple Close and no. 1 Maple Avenue which are located to the east of the application site on the opposite side of Maple Avenue, it is considered that due to the distances between the dwellings the proposal would not result in an unacceptable degree of overlooking of the properties, or overbearing impact or harm to their outlook. It should be noted that this relationship is not dissimilar to the relationship between other properties in Maple Avenue or other streets for that matter.
- 7.21 Finally, regard should be had to the amenities of the future occupants of the proposed dwellings. Whilst the siting of the proposed additional dwelling may result in the loss of some limited sunlight to the rear of the replacement dwelling during the afternoon, such a limited loss would not be considered detrimental to the enjoyment of this dwelling. For this reason, and that the subservient scale of the additional building would mean that it would not have an overbearing impact on the replacement dwelling and that the privacy of the occupants of both buildings will not be harmed, it is considered that the size, scale and siting of these dwellings would not cause any harmful amenity issues between the dwellings.
- 7.22 For the above reasons it is recommended that in respect of the amenity of the neighbouring properties, these proposals are in accordance with the amenity considerations of policy ENV1 of the Local Plan.

Landscaping considerations

- 7.23 From an arboricultural perspective the Landscape Officer has raised no concerns with regard to the replacement dwelling or the proposed additional dwelling. The Landscape Officer's concern is based upon objections to the layout of the two dwellings on the site, the boundary treatment and degree of separation of the dwellings, and the siting of the garages forward to the dwellings.

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7.24 Whilst Officers agree that an approval can be conditioned to request further arboricultural details to the satisfaction of the Landscape Officer, as described previously, the layout of the proposed dwellings, together with the siting of the garages is considered to accord with the design principles of policies HSG7 and ENV1 of the Local Plan. It is considered that the concerns with regard to the physical determination of the boundary between the two properties can be overcome through a landscape scheme.

Other matters

7.25 Officers have taken into consideration the concerns raised by the residents of Maple Avenue with regard to insufficient parking provision and highway safety issues. The Council's adopted car parking standards require that a maximum of 2.25 spaces are provided for 3-bed dwellings and 3 spaces for 4 or more bed dwellings. These applications propose 4 off-road parking spaces for the replacement dwelling and 3 off-road spaces for the additional dwelling. The proposed number of spaces therefore accords with the parking provision standards as set out within policy TR7 and Appendix II of the Local Plan. With regard to highway safety, County Highways considered that these proposals would be unlikely to have any significant impacts on the safety and capacity of the public highway.

8.0 Conclusion:

8.1 Having regard to the above matters, it is considered that the replacement dwelling and infill additional dwelling accord with relevant local plan policies. It is therefore recommended that, subject to the conditions set out at the head of this report, planning permission should be granted for both applications.