

5j 3/12/0152/FP - Replacement 6 bedroom dwelling at 2 Maple Avenue, Bishop's Stortford, CM23 2RR for Mr and Mrs J Sandford

Date of Receipt: 06.02.2012

Type: Full – Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - SILVERLEYS

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) 7360-1; 7630-2; 7360-3; 58110.01 Rev A; 58110.02 Rev A; 58110.03 Rev A; 58110.04 Rev A
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
10. Obscure glazing (insert: to the first floor windows to the northeast elevation) (2E18)

Directive:

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) and the National

Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (015212FP.SE)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located within the built up area of Bishop's Stortford and has an area of an estimated 0.21 hectares. The north eastern 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 south western 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 north western (rear) boundary of the site bounds the curtilages of numbers 131b Hadham Road and number 8 Maple Avenue and the south eastern (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 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 (south western) elevation by two-storey circular bay which, by its height and level of projection, together with the large sash windows possibly dates this dwelling to the late 19th Century or early 20th Century. A single storey extension projects from the southern corner of the dwelling sitting perpendicular to the general plan form of the dwelling, and the front (south eastern) elevation has a decorative portico.
- 1.5 The proposed replacement dwelling would be 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

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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 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 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 This application has been referred to the committee as it is an amendment to a scheme previously considered by Members of the Development Committee on 7th December 2011. The proposed replacement dwelling itself is identical to that refused under LPA ref: 3/11/1521/FP although the plot is much larger. This previous application was submitted simultaneously with 3/11/1520/FP, which was for the development of a new dwelling on the land adjacent to the current dwelling. Members refused planning consent for the proposed replacement dwelling for the reason that:
 - *The proposed dwelling would, by reason of its size in relation to the proposed plot, result in a cramped form of development that would be out of keeping with and harmful to the character and appearance of the surrounding area, contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.*
- 1.9 Members are reminded that this application is solely for the replacement of the existing dwelling and not the subdivision of the plot or the development of an additional dwelling.

2.0 Site History:

2.1 The property has the following planning history:

- 3/08/1846/FP – Replacement portico (Approved)
- 3/11/1520/FP – New dwelling – land adjacent to 2 Maple Avenue

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(Refused)

- 3/11/1521/FP – Replacement 1 no 6 bedroom dwelling (Refused)

3.0 Consultation Responses:

- 3.1 County Highways comment that they do not wish to restrict the grant of permission. They comment that, like the previous proposal, this latest application for the demolition of an existing dwelling and the erection of a replacement dwelling is acceptable in a highway context. The site is remote from the public highway with vehicle access to the site gained onto Maple Avenue, a private road not maintained at public expense. Traffic generation is unlikely to change and ample space for vehicle parking and turning within the site is available.
- 3.2 Hertfordshire Biological Records Centre (HBRC) initially commented on the resubmitted bat report that was undertaken in June 2011 and formed part of the previously refused application. It was noted that this bat report states that *'if several months were to elapse before the commencement of the building work, it would be prudent to conduct a further survey to see if bats have colonised the property during the intervening period'*, and therefore a recommendation was made that a further emergence survey would be required to inform the LPA before a planning decision can be made. In response, a further survey was conducted in March 2012, the result of which has been considered by HBRC and they have commented that there are no known ecological constraints to the proposed development.
- 3.3 The Landscape Officer has recommended refusal of this application for the following reasons: 'The proposal is for the construction of 1 No 6 bedroom dwelling and a large double garage which appears to have an unusual roof height and pitch in comparison to most domestic garages. There are no detailed landscape proposals as such although there is an indicative layout to show the proposed new dwelling and garage. The garage is a significant structure in its own right – in terms of scale, mass and proximity to the main dwelling. The garage location has been moved from the rear boundary where it is a 'stand alone' structure to the front of the plot where it adjoins the house. I have no objection on landscape grounds to the replacement dwelling; however the garage should, in my opinion stay where it is at the rear of the site - where it assimilates more discretely into the garden setting. By being adjoined to the proposed dwelling, it adds significantly to the appearance of the bulk, scale and mass of the overall structure – with the house and garage seen collectively as a single unit - rather than as visually disparate structures (as they are now)'.

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3.4 Environmental Health advises that any permission which the Planning Authority may give shall include conditions relating to: Construction of hours of working – plant and machinery; air quality issues; contaminated land; and piling works

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council have objected to this application on the grounds that the proposal will result in a loss of amenity to the neighbouring properties contrary to policies ENV1, HSG7, and also contrary to Town Council policy BSP006 (Replacement Dwellings). In addition they commented that, should the District Council Officers see fit to approve, a condition be imposed prohibiting future development of an additional property. It was noted also that speculation about construction of another property at a later date cannot be considered.

5.0 Other Representations:

5.1 The application has been advertised by way of site notice and neighbour notification.

5.2 9 letters of representation have been received which can be summarised as follows:

- Loss of existing dwelling which is historically important;
- Overlooking (loss of privacy) of surrounding properties;
- Loss of existing landscaping;
- 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 water table, underground springs and nearby borehole;
- Impact of construction vehicles on road;
- Concern about future development on the site;
- The proposed three storey property would be out of keeping with other properties in Maple Avenue.

6.0 Policy:

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

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

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. Policy HSG7 does not require any justification to be made for the demolition of the existing dwelling.
- 7.2 As with the previously refused application, the historical significance of the building was a matter which was previously 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 of protection or local listing.
- 7.3 Having regard to the above considerations, the principle of the replacement of this dwelling is therefore considered acceptable subject to the more detailed considerations of policies HSG7 and ENV1 of the Local Plan.

Detailed considerations

- 7.4 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.
- 7.5 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

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design and layout and reflect local distinctiveness.

- 7.6 The surrounding built form predominantly consists of large dwellings within large spacious plots. The proposed dwelling would sit in a generous plot (comparable with many in the area) and the space currently enjoyed by the existing dwelling would remain to the boundaries such that the existing spacious pattern of development would be retained. The development of the replacement dwelling 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.
- 7.7 It is noted that the proposed replacement dwelling 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.
- 7.8 Officers do not consider that the dwelling would be obtrusive or unduly prominent. 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 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.
- 7.9 Officers note that the proposed double garage building will be more prominent 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.
- 7.10 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. It is noted that this current proposed dwelling, is identical to the previously refused scheme, but of course, the plot size in this case remains as existing, unlike the previously refused scheme which proposed two dwellings on the site of the existing. Officers consider that the development of only the replacement dwelling on the site would not result in a cramped form of

development and would be in-keeping with the character and appearance of the surrounding area. For these reasons it is recommended that the proposals are in accordance with policies HSG7 and ENV1 of the Local Plan, and have overcome the previous reason for refusal.

Amenity considerations

- 7.11 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, would 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.
- 7.12 In respect of both neighbouring properties to the north and south of the site, it is considered that due to the size and siting of the proposed dwelling 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.
- 7.13 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 replacement dwelling 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.
- 7.14 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

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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.

- 7.15 For the above reasons it is recommended that in respect of the amenity of the neighbouring properties, this proposal is in accordance with the amenity considerations of policy ENV1 of the Local Plan. Furthermore, Members should note that planning permission was not refused previously due to the impact of the replacement dwelling on the amenities of neighbouring properties.

Landscaping considerations

- 7.16 From an arboricultural perspective the Landscape Officer has raised no concerns with regard to the replacement dwelling. The Landscape Officer's concern is based upon the siting of the garages forward of the dwelling.
- 7.17 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 siting of the proposed dwelling, together with the siting of the garage is considered to accord with the design principles of policies HSG7 and ENV1 of the Local Plan. Furthermore, Members should note that planning permission was not refused previously in respect of the siting of the proposed garage.

Other matters

- 7.18 The concerns of the local residents and the Town Council in respect of the possibility of future development on the site have been noted. The erection of an additional dwelling on the site will require planning permission, and if any such application were to be forthcoming regard would be had in its determination to the planning history of the site, i.e. the previous refusal, and its impact on the character and appearance of the street scene of the area. Whilst Officers note the request for a condition prohibiting the future development of an additional property, however such a condition would be unreasonable and contrary to the guidance in circular 11/95.

8.0 Conclusion:

- 8.1 Having regard to the above matters, it is considered that the replacement dwelling accords 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 this application.