

**5f 3/13/1769/FP – Demolition of existing dwelling and construction of 2No. detached dwelling houses at 11 Dane O’Coys Road, Bishop’s Stortford, CM23 2RN for Mr and Mrs Britten**

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**Date of Receipt:** 04.10.2013

**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. Materials of construction (2E11)
3. Approved plans (2E10) (243 01 A, 243 02 A, 243 03, 243 04 B, 243 05, 243 06 A, 243 07)
4. Landscape design proposals (e, i, j,k,l) (4P12)
5. Landscape works implementation (4P13)
6. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking and manoeuring of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development and to allow a safe exit onto the highway, in the interests of highway safety, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

7. Contaminated land survey and remediation (2E33)
8. Construction hours of working- plant and machinery (6N07)

**Directives:**

1. In respect of Condition 4 you are advised to incorporate hedge planting within the landscape plan to the area in between the garages and the eastern boundary of the site.

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2. Other Legislation (01OL)
3. Ownership (02OW)
4. Street Naming and Numbering (19SN)
5. Bats (32BA)

#### 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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (176913FP.NB)

#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. The site is located within the built up area of Bishop's Stortford and is situated on the south west corner of Dane O'Coys Road and Cricketfield Lane. Dane O'Coys Road is a private road that is accessed from Hadham Road to the south; however the existing driveway into the application site is reached from Cricketfield Lane.
- 1.2 The site is occupied by a detached dwelling house. The dwelling is two storeys in height with single storey extensions to both flank elevations. The dwelling is set back from all of the site's boundaries and is currently screened by a number of mature trees and other soft landscaping. The site is considerably overgrown with a number of shrubs which makes much of the site difficult to access.
- 1.3 Dane O'Coys Road is an unmade road that is used by residents and does not form a through road. The neighbouring dwellings within Dane O'Coys Road comprise of a mix of single and two storey dwellings of various designs. It should be noted that the closest dwelling house to the proposed development is No. 7 Dane O'Coys Road which is a single storey bungalow. Continuing from No. 7 to the south are Nos. 5 and 3, which are also single storey dwellings, each with garages

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situated to the front.

- 1.4 The proposal is for the demolition of the existing dwelling and the erection of two detached dwellings each with a double garage to the front of the site. The existing access from Cricketfield Lane is proposed to be used for House 2 and a new access onto Dane O' Coys Road is proposed for House 1.
- 1.5 House 1 would be sited in a similar position to the neighbouring bungalow to the south at No. 7 Dane O'Coys Road with its front and rear elevations approximately in line with the corresponding elevations of this neighbouring dwelling house. This dwelling would be set back approximately 3 metres from the boundary with this neighbour (southern boundary).
- 1.6 House 2 is proposed 4.5 metres to the north of House 1. It would be slightly larger in size and would retain a space of approximately 6.5 metres in most places to the northern site boundary.
- 1.7 Both of the dwellings would have 5 bedrooms. They are designed with pitched roofs and incorporate traditional building features such as gable ended projections yet both with some contemporary additions such as small areas of floor to ceiling glazing.
- 1.8 The double garages proposed to the front of the dwellings would form one building with a hipped roof reaching 3.9 metres in height.
- 1.9 In response to concerns raised by neighbours during the course of the application in respect of the accuracy of the red site outline and the position of the garages, amended plans have been received. The first set of amended plans received reduced the red site outline in order to remove land that appeared to be within County Highways ownership to the north and north east of the site and the grass verge to Dane O'Coys Road along the eastern boundary which also did not appear to be within the applicant's ownership. A second set of amended plans were later received which sets the proposed garages back a further 1 metre from Dane O'Coys Road. The latest proposed site plan (Drawing No. 243 04B), when measured, shows a 6.5 -7 metre set back between the rear of the garages and the carriageway of Dane O'Coys Road (with the grass verge in-between). However, for the avoidance of doubt and to ensure that the grass verge would remain, the plans have been labelled to show a minimum set back of 5.5 metres.

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### **2.0 Site History:**

2.1 There is no relevant planning history for the site.

### **3.0 Consultation Responses:**

- 3.1 County Highways do not wish to restrict the grant of permission and have recommended conditions which relate to the construction of parking and turning spaces, details of hard surfacing and wheel washing facilities and access sight lines. They comment that fundamentally this part of Dane O'Coys Road is a highway not maintainable at public expense. The junction with the public highway is satisfactory and traffic generation will not be significant and within the site sufficient car parking is proposed.
- 3.2 Natural England raise no objections to the application and comment that the proposal is unlikely to affect any protected sites, landscapes or bats.
- 3.3 The Council's Environmental Health department has recommended conditions that relate to construction hours of working, land contamination and piling works.
- 3.4 The Council's Landscape Officer has recommended approval and has commented that the proposal would not have an unacceptable impact upon significant trees and that there is no objection to the removal of the existing ruderal scrub vegetation within the site. Although the Cypress trees on the Cricketfield Lane boundary are shown to be retained it may be better to accept their short term loss and replant with hedges or trees of a more suitable species. The double garages would be set back far enough from Dane O'Coys Road to allow hedge planting to provide screening and to reflect the boundary treatment at the opposite site.

### **4.0 Town Council Representations:**

4.1 Bishop's Stortford Town Council has no objection to the proposal.

### **5.0 Other Representations:**

- 5.1 The application has been advertised by way of neighbour notification.
- 5.2 4 No. Letters of representation have been received which can be summarised as follows:

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- No. 11 Dane O'Coys Road holds a covenant preventing Aston House, 138 Hadham Road from extending beyond the original footprint and the respondent queries how the development of two dwellings would affect this.
- Concerns raised in respect of the siting of the garages and whether these would protrude beyond the existing buildings within Dane O'Coys Road;
- Construction vehicles using Dane O'Coys Road would damage the road further and would cause safety risks to pedestrians including children using the road as a cut through from Hadham Road;
- A condition should be considered to require construction vehicles to use the Cricketfield Lane access instead of Dane O'Coys Road;
- The plans would be an improvement having regard to the existing condition of the site;
- No concerns in respect of overlooking or encroachment to No. 7 if the plans remain the same;
- The twisted willow tree in the south west corner of the site should be removed due to the maintenance issues caused to the neighbouring property.

Following a re-consultation with neighbours that took place in respect of the amended plans, a further representation from the Dane O'Coys Residents Group has been received. This representation has been signed by the occupiers of Nos. 12, 7, 10 and 5 Dane O'Coys Road and the points raised can be summarised as follows:

- There has been a recognised boundary along both sides of Dane O'Coys Road between the land which is designated as road/verges and land on which permission has been given for building;
- On the west side of Dane O'Coys Road where all garages are in front of the properties, permission has never been given for building on the verge and has been restricted to at least one metre behind the verge into the building plot;
- The boundary of the verge with the building sites were originally defined by a hawthorn hedge which is still in place albeit concealed by the overgrown shrubs around it in the case of the application site and is aligned with the low retaining wall at No. 7;
- The applicants site plans show two different locations for the front plot boundaries, both of which are in correct;
- The garages need to be moved approximately another 2 metres closer to the houses to ensure the protection of the integrity of the verge and to fit visually into the existing street scene.

**6.0 Policy:**

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

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV16	Protected Species
ENV24	Noise Generating Development
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking – Standards

6.2 The NPPF is also a material consideration in the determination of the application.

**7.0 Considerations:**

7.1 The site is located within the built up area of Bishop's Stortford, wherein there are no objections in principle to new residential development. The main considerations in respect of this proposal are therefore as follows:

- Design, siting and layout;
- Loss of landscaping;
- Neighbour amenity;
- Access and parking.

**Design and layout**

7.2 The dwellings are proposed to be sited in similar positions to the neighbouring properties to the south that front onto Dane O'Coys Road. The dwellings would sit comfortably within the site and the resulting plot sizes would be in keeping with those within the surrounding area. The proposal to subdivide the application site to provide for two new dwellings is therefore considered to be acceptable.

7.3 The existing dwelling is two storeys, reaching a ridge height of approximately 8 metres. In respect of the current proposal, House 1 would reach a ridge height of 7.6 metres and House 2 a ridge height of 8.2 metres. Whilst House 1 would be of a reduced height compared to the existing dwelling house, it would be sited closer to the southern site boundary with the adjoining bungalow. However, having regard to the distance of approximately 5 metres that would be retained between House 1 and this neighbouring dwelling and the mature trees that are proposed to be retained to the southern site boundary, Officers are

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satisfied with this relationship and do not consider that the proposal would have an unacceptable impact upon the character and appearance of the street scene.

- 7.4 The traditional design approach that has been taken, together with some contemporary additions to the dwelling, is considered to be sympathetic to the character of the area which comprises of a mix of building designs and styles. The dwellings would appear similar to the new dwelling recently constructed at No. 2 Dane O'Coys Road, which was granted planning permission in 2004 under lpa reference 3/04/0750/FP.
- 7.5 Officers are satisfied that the proposal is of a high standard of design and layout which would reflect local distinctiveness and would appear sympathetic to the character and appearance of the surrounding area in accordance with the aims of Policies ENV1 and HSG7.
- 7.6 The concerns that have been raised by neighbours in respect of the application site outline and the siting of the garages has been carefully considered by Officers. Despite amendments made by the applicant to adjust the site outline and to set the garages back from Dane O'Coys Road a number of neighbouring occupiers remain concerned by the proposal and the visual impact that the siting of the garages could have upon the appearance of the street.
- 7.7 The applicant has confirmed that all of the land within the red site outline shown on the amended plans is within their ownership and Officers do not have any evidence to dispute this. Furthermore, it is important to note that land ownership is not an issue for the local planning authority to determine and, should it be subsequently discovered that any land within the application site is not within the applicant's ownership, then this would be a civil matter to be resolved between the landowners. The local planning authority's role is to consider the impact of the development on the character and appearance of surrounding area, irrespective of land ownership.
- 7.8 The grass verge that adjoins Dane O'Coys Road appears to vary in its depth (from approximately 4.5 to 6 metres) along different parts of the road; notwithstanding this, the verge is well defined and is considered to form an important feature within the street scene. The proposal would allow the retention of a grass verge of approximately 6 to 6.5 metres deep plus an additional space of approximately 0.5m for hedging in between the grass verge and the garages. This would site the garages in a similar position to the existing garages at Nos. 5 and 3 Dane O'Coys Road.

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- 7.9 Officers consider that the set back proposed from Dane O'Coys Road, enabling the retention of a large area of the grass verge with space to plant hedging to help screen the garaging is acceptable. Whilst it is acknowledged that the loss of much of the existing landscaping would change the appearance of the site, the resulting site would appear in keeping with the neighbouring properties.
- 7.10 The approved plan condition will require the development to accord with the details shown on these plans.

#### Landscaping

- 7.11 The existing site is substantially overgrown and provides a dense screening to the existing dwelling house. The proposed development would result in the loss of a significant amount of existing landscaping which would inevitably alter the appearance of the existing site. However, the Council's Landscape Officer has commented that the proposal would not impact upon any significant trees within the site. Having regard to these comments, Officers consider that the proposal would not result in the loss of any existing trees or other landscaping that is of significant amenity value. Furthermore, the development of the site would provide an opportunity to improve the existing neglected condition of the site and to re-establish the grass verge with the addition of hedge planting to the boundary which would be in keeping with the neighbouring dwellings.
- 7.12 The Landscape Officer's suggestion to remove the mature trees along the boundary with Cricketfield Lane is noted. However, these trees are large in size and appear to be healthy and Officers are concerned by the short-term impact that their removal would have upon the character of the area and therefore would not recommend that this approach is taken in this case.

#### Neighbour amenity

- 7.13 The siting of House 1, almost in line with the neighbouring dwelling to the south, No. 7 Dane O'Coys Road, together with its set back by 3 metres from the boundary with this neighbour would ensure that the new development would not result in an unacceptable loss of light, loss of outlook, privacy or appear overbearing upon this neighbour.
- 7.14 A minimum distance of approximately 17 metres would be retained between the rear elevations of the new dwellings and the western site boundary with the neighbour at 138 Hadham Road. This distance, together with the mature trees which are proposed to be retained to this



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boundary would be sufficient to ensure that the development would not result in an unacceptable loss of amenity to this neighbour.

- 7.15 Having regard to the distance of approximately 30 metres that would be retained between the new dwellings and the neighbouring property to the east at No. 12 Dane O'Coys Road, Officers consider that the impact of the development upon the amenities of occupiers of this neighbouring dwelling would not be materially greater than the impact of the existing dwelling.
- 7.16 Whilst it is acknowledged that the proposed new dwellings, especially having regard to the loss of much of the existing landscaping to the frontage of the site, would be visible from the neighbouring dwelling houses, the degree of impact that the proposal would have upon the amenities of the neighbouring occupiers is not considered to be significant or unacceptable in this case.

#### Access and parking

- 7.17 Having regard to the comments received from County Highways, Officers are satisfied that the proposed development, and in particular the new access, would not significantly impact upon highway safety.
- 7.18 The concerns that have been raised by neighbours in respect of construction vehicles using Dane O'Coys Road are understood and Officers agree that this access would pose turning and parking difficulties for larger vehicles and could cause damage to the road which is already in a poor condition. Officers have discussed this concern with the applicant's agent who has agreed with these points and has indicated that construction vehicles would be asked to use the Cricketfield Lane access. Having regard to the size of the site and the scale of development that is proposed Officers, however do not consider it to be reasonable in this case to recommend a condition to control the access route taken by construction vehicles.
- 7.19 Appendix II of the Local Plan recommends a maximum parking provision of 3 spaces for dwellings with 4 or more bedrooms. The proposed development would provide for two spaces for each dwelling within the garages and an additional 2-3 spaces within the driveways. The parking provision made within the site is considered to be sufficient to meet the needs of the new dwellings.

#### Other Matters

- 7.20 A Bat Suitability Assessment has been submitted with the application

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which states that the existing building has low potential for roosting bats and no signs of bats were found during the daytime inspection. However, as there are some suitable features, such as pitched timber roofs, for bats it is advised that a precautionary approach is taken and that the roof tiles are stripped under the supervision of a bat ecologist. Having regard to this report and the comments received from Natural England, Officers have recommended a directive is imposed which advises the applicant to take caution in respect of bats which is considered to be sufficient to ensure the protection bats and their habits in this case.

- 7.21 The comments received from a neighbour in respect of existing covenants has been noted, however this is a civil matter and not one which the Planning Authority is able to advise on.

### **8.0 Conclusion:**

- 8.1 Having considered the details of the proposal, Officers are satisfied that the proposed development is acceptable and accords with the aims of the relevant Local Plan Policies and the NPPF.
- 8.2 The concerns raised by neighbouring occupiers have been considered. However, Officers are of the view that the siting of the proposed garages is acceptable and that it would not have an unacceptable impact upon the character and appearance of the street scene.
- 8.3 Officers recommend approval of the application for planning permission subject to the conditions set out at the head of this report.