

**3/14/0608/FP – Extension to existing dwelling and sub division into 3 No. terraced houses (1 No. 3 bed and 2 No 2 bed), demolition of garage at 33, Cherry Gardens, Bishops Stortford, CM23 2AJ for Mr R Cartman**

**Date of Receipt:** 04.04.2014

**Type:** Full – Minor

**Parish:** BISHOP'S STORTFORD

**Ward:** BISHOP'S STORTFORD – MEADS

**RECOMMENDATION:**

That planning permission be **REFUSED** for the following reason:

1. The proposal would be likely to result in an unacceptable degree of overlooking of, and loss of privacy to, residents of the adjoining dwelling known as 101A Stansted Road, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

**Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework (NPPF).

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS Map. It is located within the built up part of Bishops Stortford and is currently occupied by a detached dwelling house.
- 1.2 The existing dwelling is two storey in height, is constructed using timber cladding and has a large front gable ended projection. The existing dwelling is of a unique design within the street which largely comprises of two storey flat roofed terraced housing to the north and north west, bungalows within the south western parts of the street and with two modern developments directly adjacent the site to the north and west. The properties fronting Stansted Road are predominantly two storeys in height.

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- 1.3 The proposal is for the demolition of the existing garage, extensions to the existing dwelling and the subdivision of the plot to form a terrace of three dwellings.
- 1.4 A two storey side extension is proposed which would extend up to 1 metre from the eastern site boundary with No. 103 Stansted Road. This side extension would project 1 metre beyond the existing rear elevation of the building. A further two storey rear extension, with a depth of 1 metre, is proposed to the rear of the existing dwelling. Both rear projections are designed with rear facing gable ends and accommodate first floor windows to proposed bedrooms. The front projecting gable end on the existing dwelling house is proposed to be reduced in width by approximately 2 metres.
- 1.5 Four off road parking spaces are proposed to be provided within the frontage of the site and a new vehicle crossover would be provided to the north western part of the site.
- 1.6 The application has been reported to the committee at the request of Councillor K Warnell.

### **2.0 Site History:**

- 2.1 The relevant planning history for the site is as follows:
- 2.2 A planning application was submitted in June 2014, under LPA reference 3/14/1091/FP for extensions to the existing building and sub division into 2no. 3 bedroom semi-detached houses. This application is currently undergoing public consultation.
- 2.3 Planning permission was granted for extensions to the existing building and sub division into two dwellings in April 2014 under LPA reference 3/14/0191/FP.
- 2.4 In March 2014 planning permission was refused for extensions to the existing building and subdivision into a terrace of 3 dwellings under LPA reference 3/14/0190/FP. The reasons for refusal were as follows:
- 1) The proposal would be likely to result in an unacceptable degree of overlooking of, and loss of privacy to, residents of the adjoining dwelling known as 101A Stansted Road, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
  - 2) The extent of hard surfacing proposed to the front of the dwellings together with the loss of soft landscaping along the frontage would

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be detrimental to the character and appearance of the development and that of the surrounding area, contrary to Policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

- 2.5 There is no other planning history for this site, however, there have been a number of planning applications at the adjoining site (known as land adjacent to No. 33 Cherry Gardens) and the site to the north (known as land rear of 105/107 Stansted Road). Two dwellings have now been constructed at both of these sites.

### **3.0 Consultation Responses:**

- 3.1 The Environment Agency has no objections or conditions to propose but recommend that the finished floor levels are set no lower than 300 millimetres above the 1 in 100 chance in any year of flooding.
- 3.2 The Council's Environmental Health department has recommended conditions in respect of construction hours of working and soil contamination.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions relating to the construction of the new access and construction parking. They comment that a parking permit bay fronts the development and will be affected by the new parking spaces. However, they have no reason to oppose the development.
- 3.4 The County Council's Historic Environment Advisor has no comments on the proposal.
- 3.5 Hertfordshire Ecology has commented that they have no reason to request any ecological surveys in connection with the proposal.

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

- 4.1 Bishop's Stortford Town Council have no objections to the proposal.

### **5.0 Other Representations:**

- 5.1 The application has been advertised by way of a discretionary site notice and neighbour notification.
- 5.2 3 letters of objection have been received, which can be summarised as follows:

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- Overdevelopment of the site and garden sizes will be small and cramped;
- Loss of trees;
- Increased noise and disturbance;
- Overlooking from 3 homes into rear gardens of neighbours and into patio windows of adjoining neighbour;
- Concerns regarding the proposed roof lights in respect of overlooking and the future development of these into dormer windows;
- Flooding and drainage;
- The approved proposal for two dwellings is more appropriate;
- Additional bins would be an eyesore;
- Additional pressures on on-street parking;
- Increased traffic.

#### **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
ENV19	Development in Area Liable to Flood
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking – Standards

6.2 The provisions of the NPPF are also of relevance to this application.

#### **7.0 Considerations:**

7.1 The site is located within the built up part of Bishop's Stortford wherein there are no objections in principle to new residential development subject to compliance with the relevant Local Plan policies and the NPPF.

7.2 The main considerations for this proposal are as follows:

- The impact of the proposal on the character and appearance of the area;
- The amenities of neighbouring occupiers;
- Parking and access arrangements.

7.3 The recent refusal of planning permission for three dwellings at the site

(LPA reference 3/14/0190/FP) and the approval of two dwellings (LPA reference 3/14/0191/FP) form material considerations for the current proposal. Therefore, Members should consider whether the reasons for refusal given in respect of the recent proposal for three dwellings, which related to overlooking of No. 101A Stansted Road and the excess amount of hard standing within the site's frontage have been sufficiently overcome when determining the current application.

Character and appearance

- 7.4 Officers consider the proposed extensions and other alterations to the existing building, including the rendering of the ground floor sections of the dwelling, to be acceptable. The extensions and alterations proposed are considered to be appropriate for the existing building and would not be detrimental to its existing character and appearance or that of the surrounding area.
- 7.5 The concerns that have been raised by neighbouring occupiers in respect of the amount of development proposed within the site have been considered. It is acknowledged that the current proposal would be of a high density, which appears to be somewhat ambitious for the site and would result in very small plot sizes. However, having regard to the 1 metre set back from both side boundaries and the small plots that have been approved to the neighbouring sites to the north and west, which are of a similar size to those currently proposed, Officers consider that the refusal of planning permission due to an overdevelopment of the site would be unjustified in this case. Furthermore, it would be difficult to demonstrate that the proposal would have a detrimental impact upon the character of the area by reason of its plot sizes.
- 7.6 The existing site benefits from a grass frontage, with some small trees, which is interrupted only by a small path and the driveway to the garage within the eastern part of the site. The proposed development would result in the creation of four parking spaces within the frontage of the site, with paving proposed outside the front doors leaving just two small areas of grass, with one tree, to the front of the site. In respect of the previous proposal for three dwellings, a larger area of hard surfacing was proposed to provide five parking spaces and it was considered that this would appear harsh and unattractive to the detriment of the site and the street scene. The additional area of grass that would be introduced within the frontage of the site is considered to be sufficient in this case to improve the impact of this part of the proposal and to overcome this previous reason for refusal.

Neighbour Amenity

- 7.7 When considering the impact of the proposal upon the amenities of neighbouring occupiers it is important to take into account the existing dwelling and the approved scheme for two dwellings at the site as well as the recent refusal of a similar proposal.
- 7.8 The boundary with the property to the rear, No. 101A Stansted Road, is defined by a close boarded fence with just one small tree proposed to be retained which would offer limited screening. The existing dwelling house is sited within close proximity (7 metres) of the southern site boundary with the neighbouring occupier at No. 101A Stansted Road. The existing dwelling house has three bedroom windows, all of which allow overlooking into the rear garden of No. 101A. It is likely that some overlooking of No. 101 also occurs from the existing dwelling (although the boundary with this property is approximately 18 metres from the rear elevation of the existing dwelling). The proposed development would result in 3 dwellings instead of 1 overlooking these neighbours. The number of windows within the rear elevation facing the neighbouring sites would remain the same at 3. However, two of these windows would be sited 1 metre closer to the southern site boundary than the windows within the existing dwelling and would therefore be within 6 metres of this boundary.
- 7.9 The windows within the proposed rear elevation would allow direct views into the gardens of the neighbouring dwellings and in particular, in the case of No. 101A these views would be into their entire garden area, including the more intimate area close to the rear of the dwelling. Furthermore, the first floor windows would also allow additional views into the kitchen within the extension to this neighbouring property which has large windows within the flank elevation that faces north.
- 7.10 It is noted that the approved scheme for two dwellings at the site has four 1<sup>st</sup> floor rear windows. However, only two of these windows would allow direct overlooking into the neighbouring property, as one of the windows would look out onto the flank wall of the neighbouring dwelling (101A) another window would only allow restricted views of the rear part of the garden due to the proposed dwelling's own rear projection. Furthermore, Officers are concerned not only by the number of windows that would overlook the neighbouring property but also the number of dwellings that would be able to contribute to this overlooking. The proposed three dwellings could be occupied by three families as opposed to one or two in the case of the current dwelling and the approved scheme for two dwellings which would significantly increase the amount of and the likelihood for overlooking to occur.

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- 7.11 The current proposal follows the same form and layout as the refused scheme for 3 dwellings. However, a second window to bedroom 1 of Plot A has been removed and roof lights and a side window has been added to bedroom 2 of Plot B to replace a rear facing window. Therefore, the current proposal still allows overlooking from 3 dwellings (as was the case with the refused scheme) compared to 2 dwellings in the case of the approved scheme and would allow 3No. 1<sup>st</sup> floor windows to have unrestricted views into the neighbouring property compared to the 2No. windows in the case of the approved scheme.
- 7.12 In summary, whilst Officers acknowledge that the existing single dwelling house, and the approved scheme for two dwellings, would cause some overlooking into the neighbouring property, it is considered that the proposed use of the site for three dwellings would significantly worsen this impact and, due to the increased number of units proposed and the positions of the windows, that the current proposal is significantly different to the recently approved scheme.
- 7.13 It is noted that the land levels rise between the ground level that the existing dwelling is built from and the level of the rear garden to No. 101A, however, this is not a significant rise and, if anything, would allow more direct overlooking into No. 101A due to the low level of the first floor windows in relation to this neighbouring property.
- 7.14 It is also noted that the recent development at Nos. 33a and 33b Cherry Gardens does overlook the rear garden of No. 30 Kingbridge Road. However, these dwellings overlook only the rear part of their garden and not the private garden area immediately to the rear of the house. Therefore, it is not considered that this situation is directly comparable to the current application at 33 Cherry Gardens and does not set a precedent in relation to the consideration of this current application.
- 7.15 It is acknowledged that the neighbouring occupiers have raised concerns that the proposal would result in increased noise and disturbance. Officers agree that the change from one dwelling to three will result in additional activity and therefore disturbance, however, do not consider that the degree of this impact would be sufficient to refuse planning permission for this reason.
- 7.16 In respect of the impact that the proposal would have upon the amenities of the neighbouring occupiers to the north, east and west, Officers do not consider that this would be unacceptable. It is acknowledged that the proposed side extension to the existing building would result in some harm being caused to the outlook from the rear of No. 103 Stansted Road. However, as the building would retain a space

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of 1 metre to this boundary, resulting in a total space of 11 metres to the ground floor extensions to this dwelling, Officers consider that this relationship would not be unacceptable so as to justify the refusal of planning permission due to the impact upon this neighbour.

#### Parking and access

- 7.17 County Highways have raised no objections in respect of the new access that is proposed onto the site and, having regard to their comments, Officers consider the proposal to be acceptable in respect of highway safety.
- 7.18 In terms of parking requirements, Appendix II of the Local Plan recommends a maximum parking provision of 5.25 spaces for the proposal. Whilst it is noted that the proposal for 4 parking spaces provides a small shortfall from this maximum standard and that the proposed new dropped kerb would remove one on-street parking space, Officers are satisfied by the provision made and consider that the amount of off-street parking proposed would be sufficient to meet the needs of the new dwellings.

#### Other matters

- 7.19 Whilst it is acknowledged that the site is within Flood Zones 2 and 3, sufficient information has been submitted within the FRA's submitted with the previous schemes to demonstrate that the proposal would not increase flood risk within the site, and as the Environment Agency have no objections to the proposal, Officers consider there to be no grounds to refuse planning permission based upon flood risk.
- 7.20 Herts Ecology has commented that no ecological surveys are required. Having regard to the location of the site within the built up area and the extent of building works that are proposed, Officers consider that the proposal is unlikely to have an unacceptable impact upon protected species and their habitats.
- 7.21 The concerns that have been raised by neighbours in respect of the loss of trees are noted. Whilst it is unfortunate that some trees would be lost within the site and it is acknowledged that this would reduce the screening for neighbouring occupiers, Officers do not consider the trees to be of such amenity value to justify the refusal of planning permission for this reason.



**8.0 Conclusion:**

- 8.1 The proposal for three dwellings would result in an unacceptable degree of overlooking of, and loss of privacy to, residents of the adjoining dwelling known as 101A Stansted Road. The changes made to the proposal to reduce the number of window openings within the rear elevation are not sufficient to overcome the previous refusal of planning permission for three dwellings at this site.
- 8.2 Officers recommend refusal of the application for the reasons set out at the head of this report.