

**5d 3/11/0725/FP - Proposed demolition of existing dwelling and erection of three detached dwellings with associated garaging at 16, Maple Avenue, Bishop's Stortford, CM23 2RR for Grayson Building Ltd**

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**Date of Receipt:** 27.04.2011

**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 (1T121)
2. Approved Plans (2E102) (BRD/10/074/\_BLK, BRD/10/074/1, BRD/10/074/2, BRD/10/074/3, BRD/10/074/4, BRD/10/074/5, BRD/10/074/6, BRD/10/074/7, BRD/10/074/8, BRD/10/074/09, OS322-11.1, OS322-11.2)
3. Contaminated land survey and remediation (2E332)
4. Hard surfacing (3V213)
5. Withdrawal of P.D.(Class B) (2E233)
6. Materials arising from demolition (2E322)
7. Tree retention and protection (4P053)
8. Hedge retention and protection (4P063)
9. Tree/natural feature protection: fencing (4P075)
10. Landscape design proposals (4P124) (delete parts c,d,e,f,g and h)
11. Landscape works implementation (4P133)
12. Hours of working - plant and machinery (6N053)
13. Boundary Walls and Fences (2E07)
14. Prior to the first occupation of the development hereby permitted the existing vehicle access shall be modified in accordance with the details

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shown on Plan No. BRD/09/004/02 revision A and constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety.

#### Directive:

1. Street Naming and Numbering (19SN4)

#### 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, SD5, HSG7, TR7, ENV1, ENV2, ENV11 and ENV24. The balance of the considerations having regard to those policies and the planning applications that were refused and dismissed at appeal under lpa references 3/09/0330/FP and 3/08/1163/FP is that permission should be granted.

\_\_\_\_\_ (072511FP.NB)

#### **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 is currently occupied by a single detached dwelling house. The surrounding area is largely characterised by large detached dwellings situated on large plots; however, to the south of the site is a block of 5 apartments known as The Redwoods. To the North of the site are Nos. 12-12b Maple, Avenue, 3 dwellings that replaced a single bungalow at the site following the grant of planning permission in 2002 under lpa reference 3/02/1921/FP. The land levels at the site increase steeply from an east to west direction.
- 1.3 The current proposal is for the demolition of the existing dwelling and the erection of 3No. 5 bedroom detached dwellings with associated garaging. Plot 1 would be set back approximately 23 metres from Maple Avenue and its front elevation would face south east towards the road. Existing trees and bushes are proposed to be retained to the frontage of the site which would provide some screening of Plot 1 from

the road. The existing access that leads up from Maple Avenue close to the northern boundary of the site would continue past Plot 1 opening up into a courtyard area to the front of Plots 2 and 3. Plot 2 would be sited approximately 17 metres to the rear and west of Plot 1 and is orientated with its flank elevation facing the rear of Plot 1 and therefore its front elevation would face north. Plot 3 would occupy the North West corner of the site and would face towards Maple Avenue with its front elevation facing south east. A double garage is proposed for each of the dwellings with 2 additional car parking spaces shown to the front of the garages.

- 1.4 Plots 2 and 3 are of an identical design, however, Plot 1 is of a similar yet slightly varied design. All of the dwellings would have a central pitched roof reaching a ridge height of 8.8 metres with chimneys protruding beyond this. The dwellings are all designed with front projecting gable ends with decorative features to include bargeboards, bay windows, verandas, lintels and finials to the ridge of the roofs.

## **2.0 Site History:**

- 2.1 In 2009 planning permission was refused (Ipa reference 3/09/0330/FP) under delegated powers for the demolition of the existing dwelling and the erection of 5 dwellings at the site for the following reasons:

- 1) The proposal by reason of its siting and layout would result in a cramped form of development, incompatible with the structure and layout of established development in the locality. If permitted the proposal would be contrary to the aims and objectives of provisions of Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
- 2) The proposal by reason of its siting, scale, height, and massing would result in a dominant form of development to the detriment of adjoining properties and the surrounding area. If permitted the proposal would be contrary to Policies ENV1, ENV2 and HSG7 of the East Herts Local Plan Second Review April 2007.
- 3) The proposal by reason of its form and design would be out of character with development adjoining the site and in the surrounding area and set an undesirable precedent for future development in the locality. If permitted the proposal would be contrary to the aims and objectives of Policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

This proposal was dismissed at appeal in February 2010. The Inspector commented in the decision that the proposed closely-grouped three storey dwellings would appear over dominant, tall and overbearing. In respect of the impact upon neighbouring residents the Inspector stated that the proposed terrace of dwellings would result in a noticeable loss of openness to the neighbouring residents in Dane Park and would appear as a harmfully dominant built structure adjoining the rear garden of No. 18 Maple Avenue. In respect of the occupiers at Nos. 14 and 18 Maple Avenue the Inspector stated that whilst the blocks would not create an overwhelming sense of visual dominance, there would still, by the bulk and proportions of the blocks, be a real sense of visual intrusion to the existing character of the area. Members should note that the Inspector commented that no material weight should be given to the Council's contention that permitting the appeal development would set an undesirable precedent for other developments within the locality.

- 2.2 In 2008 planning permission was refused under delegated powers for the demolition of the existing dwelling and the erection of a terrace of 6 dwellings (Ipa reference 3/08/1163/FP). This proposal was dismissed at appeal in 2009.

### **3.0 Consultation Responses:**

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions. Highways have commented that the improved access, onsite parking and turning space provision is satisfactory and there is no capacity or safety issue at the junction of Maple Avenue with the public highway.
- 3.2 The County Historic Environment Unit recommends a condition is imposed to require a programme of archaeological work to be agreed.
- 3.3 Thames Water have commented that they would not raise any objection to the planning application and that it is the responsibility of the developer to make proper provision for surface water drainage.
- 3.4 The Council's Environmental Health department has recommended conditions in respect of construction hours of working, air quality, contaminated land and piling works.
- 3.5 The Council's Landscape Officer recommends refusal of the application

due to the juxtaposition of plot 1 to the access road and garage.

**4.0 Town Council Representations:**

4.1 Bishop's Stortford Town Council object to the proposal for the following reasons:

- Overdevelopment of the site by virtue of bulk and height;
- Inappropriate development for the area;
- Overlooking and loss of privacy to neighbours;
- Loss of mature trees;
- Difficult ingress and egress;
- Detrimental to street scene;
- Burden on the sewerage system;
- Contrary to ENV1.

**5.0 Other Representations:**

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

5.2 16 letters of representation have been received, one of which is written on behalf of the occupiers of 2 neighbouring dwellings, which can be summarised as follows:

- Plot 1 is too large and their front garden is unusable;
- The proposed 3 dwellings would add further strain to the infrastructure capacity;
- Since June 2010 there is less pressure to build at a high density, the proposed density of 10 dwellings per hectare would be detrimental to the amenity value of the locality;
- Cumulative overdevelopment with Nos. 12 and 22 Maple Avenue;
- Plot 1 is closer to the road than the existing building;
- Loss of trees and vegetation and it is queried whether a 40 year old pink horse chestnut would be lost;
- The plans do not show which trees will be retained and which will be removed;
- Vegetation has been removed to the boundary with the dwellings in Dane Park;
- Trees should be protected if development is approved;
- The plans do not show the conservatories that have been added to some of the dwellings in Dane Park;

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- Plot 1 is 2 metres from the boundary of No. 18;
- The development would ruin the tranquillity of the road;
- The development is too large and would be obtrusive;
- Loss of open space;
- The development of the site and the increased number of occupiers would cause damage to the road and increase maintenance cost of this un-adopted roads for local residents;
- Insufficient parking provision would lead to dangerous parking on the corner of the road;
- Increased residents would add pressure to infrastructure and schools;
- Loss of wildlife habitat;
- Overlooking into neighbours gardens;
- Increased vehicular movements would be a risk to children and other pedestrians;
- Added surface water run off;
- More dwellings would add to existing problems with the sewerage system;
- Close proximity of the dwelling to those in Dane Park and the rising level of the land would allow them to appear obtrusive and result in loss of privacy
- Increased noise and disturbance;
- Construction period should be restricted to 6 months;
- Bulk, size and height inappropriate;
- Out of keeping with the spacious size of neighbouring plots;
- Challenging access for wheel chair users;
- There has been a change in planning policy and the site is no longer previously developed land;
- Over dominant and overbearing;
- A development for 1 or 2 dwellings is preferable.

#### **6.0 Policy:**

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

SD2 Settlement Hierarchy  
ENV1 Design and Environmental Quality  
ENV2 Landscaping  
ENV11 Protection of Existing Hedgerows and Trees  
ENV24 Noise Generating Development  
TR7 Car Parking-Standards

HSG7 Replacement Dwellings and Infill Housing Development

**7.0 Considerations:**

- 7.1 The principle considerations in this case are whether the proposal accords with the policies contained within the development plan and whether it sufficiently overcomes the Council's previous reasons for refusal for the application made under lpa reference 3/09/0330/FP and the concerns that were raised by the Inspector at the appeal.

Principle of development

- 7.2 The site is located within the built-up area of Bishop's Stortford where there is no objection in principle to development. Furthermore, the Council's previous decisions at this site did not question the principle of new development and therefore this has been accepted.

Siting and layout

- 7.3 The most recently refused application at the site sought permission for 5 dwellings in a terrace of 3 and a pair of semi-detached units. The dwellings were proposed in a single row creating a frontage of approximately 33 metres in width. The Council's reasons for refusal stated that this previous proposal would have resulted in a cramped form of development which would have been incompatible with the structure and layout of established development in the locality.
- 7.4 Officers consider that by reducing the density, increasing the spacing between the dwellings and varying their orientation, the proposed development would no longer appear cramped upon the site. Whilst it is noted that many of the neighbouring residential properties benefit from larger plot sizes, the proposed development would nevertheless result in a provision of detached dwellings on large plots which would no longer be incompatible or detrimental to the layout and character of established development in the locality. Furthermore, the layout, siting, plot sizes and the orientation of the dwellings would be similar to the adjacent development at 12-12b Maple Avenue.
- 7.5 The concerns that have been raised by the Landscape Officer in respect of the siting and layout of Plot 1 and its garage have been considered. However, Plot 1 is sited on a similar, albeit larger, footprint to the existing dwelling house and Officers consider it is important that Plot 1 is orientated to face east towards the highway in order to maintain

a frontage that is consistent with the surrounding streetscene. Planning Officers consider that a revised layout to overcome the Landscape Officers concerns would be significantly detrimental to the appearance of the site and its relationship with the character of the streetscene.

- 7.6 Officers consider that the current proposal for 3 detached dwellings has overcome the previous reason for refusal in respect of siting and layout.

Scale, height, and massing

- 7.7 The Council's reason for refusal in respect of scale, height and massing established concerns that the previous proposal would have resulted in a dominant form of development to the detriment of adjoining properties and the surrounding area. The Officers report in respect of the previous application outlines that the proposed dwellings would have been 3 storeys in height and as such would have appeared too dominant which, in particular, would have been detrimental to the neighbouring occupiers in Dane Park.

- 7.8 The previously proposed terrace of dwellings would have reached an eaves height of approximately 8.7 metres and a ridge height of 11 metres. Plots 2 and 3, of the current proposal which are sited closest to the neighbours in Dane Park would reach an eaves height of approximately 5.4 metres and a ridge height of 8.7 metres. This significant reduction in height, the fragmented design with varying heights to some of the roofs, as well as the separation in the plots resulting in a reduction in the amount of development that would face towards these neighbours, would improve the impact that the development would have upon the residents in Dane Park. Officers consider that the various changes that have been made to the amount of development, the design, scale, massing, form and height overcomes the Council's concerns that were raised with the previous proposal and the proposed development would no longer appear overly dominant. Whilst it is acknowledged that the development of the site for 3 dwellings and their siting closer to the boundaries with the neighbouring occupiers compared to the existing dwelling would be more visible and would have a greater impact upon the amenities of the neighbours than the existing dwelling, Officers no longer consider that the degree of this impact would be unacceptable.

Form and design

- 7.9 The form and design of the proposed development has changed from a



row of terrace and semi-detached dwellings to detached dwellings, which in itself significantly changes the form and design of the development. The proposed dwellings would be of a fragmented design with gable ended features of varying heights, dormer windows and chimneys which all contribute to creating a detailed design that would reflect some of the common features of neighbouring dwellings within the street scene.

- 7.10 Officers consider that the proposed form and design of the development is acceptable and overcomes the concerns that were raised with the previous application.

#### Landscaping

- 7.11 The concerns that neighbouring residents have raised in respect of landscaping are duly noted and Officers are keen to ensure that as much as possible of the existing landscaping and trees at the site are retained.
- 7.12 During the course of the application, following concerns that were raised by the Landscape Officer, a Tree Survey was submitted. Following the submission of the tree survey the Landscape Officer has now commented that the proposed development would not necessarily have an adverse impact upon significant on and off-site trees.
- 7.13 Officers are satisfied that the proposed development would not result in the loss of any trees of significant amenity value. The applicant has proposed to retain most of the trees within the existing site and a condition to require the retention and protection of these trees is recommended.

#### Access and Parking

- 7.14 Having regard to the comments received from County Highways, Officers consider that the proposed access and the additional traffic that would result from the development would not have a detrimental impact upon highway safety.
- 7.15 The concerns that have been raised by neighbouring residents in respect of the potential damage that additional traffic and construction vehicles could cause to the private road are understood. However, any damage caused to the road is a private matter over which the Council would have no control and is furthermore a matter that does not justify

the refusal of planning permission for the current application.

- 7.16 Appendix II of the Local Plan recommends a maximum provision of 3 spaces for dwellings with 4 or more bedrooms. A double garage with 2 parking spaces to the front are proposed for each of the dwellings. Having regard to the recommendations within Appendix II, Officers consider that the provision of 2 spaces for the dwellings is adequate and therefore have not recommended a condition to require the garages to be used solely for the storage of vehicles.

#### Other Matters

- 7.17 The concerns that have been raised in respect of the impact that the development would have upon the amenities of neighbouring occupiers has been considered. It is acknowledged that the proposed development would inevitably impact upon neighbouring occupiers, however it is the degree of the impact that has to be assessed and a judgment made as to whether the impact is of such degree as to warrant the refusal of the application.
- 7.18 Officers have considered the impact that the development would have upon the neighbouring occupiers and in particular the neighbours within Dane Park that back onto the site and Nos. 12, 14 and 18 Maple Avenue. After due consideration Officers consider that the degree of impact that the development would have upon the amenities of neighbouring occupiers would not be of sufficient harm to justify the refusal of the current planning application.
- 7.19 The concern raised in respect of the added pressure that the development could put onto local services and infrastructure is noted. However, in respect of sewers and drains, this is an issue that would be dealt with at a building regulations stage and in respect of services such as schools, the proposed development does not exceed the threshold of 10 dwellings for planning obligations where contributions can be sought towards such services.
- 7.20 In respect of the impact that the development could have upon wildlife, there is no evidence of any protected species within the area and therefore Officers do not consider there to be any grounds to refuse planning permission for the development proposed at the site.
- 7.21 The conditions that are recommended by Environmental Health in respect of dust, bonfires and piling works are noted, however, Officers

consider that the imposition of these conditions would not be reasonable, necessary, relevant or enforceable and therefore would fail the tests for imposing conditions set out in Circular 11/95.

**8.0 Conclusion:**

- 8.1 Having regard to the representations made by consultees and local residents, Officers consider that the details submitted for the proposed development are acceptable, overcome the previous refusal and Inspector's decisions and accord with the aims of the relevant Policies of the Local Plan.
- 8.2 Having regard to the above considerations, it is recommended that planning permission is approved subject to the conditions at the head of this report.