

5e 3/11/0929/FP - Demolition of existing bungalow and erection of two detached dwellings with garages at Rawalpindi, 34, Foxley Drive, Bishop's Stortford, Herts, CM23 2EB for Mr Allan Brown

Date of Receipt: 26.05.2011

Type: Full – Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - MEADS

RECOMMENDATION:

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

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (Site location plan, 1/1, 1/2A, 1/3A, 1/4A, 1/5A, 1/6B, 1/7A, 1/8A, 1/9B, 1/10A, 1/14, 1/15)
3. Samples of Materials (2E12)
4. Boundary Walls and Fences (2E07)
5. Hard surfacing (3V213)
6. Landscape Design Proposals (4P12) (i), (j), (k) and (l)
7. Landscape works implementation (4P13)
8. Tree retention and protection (4P053)
9. Hours of working - plant and machinery (6N053)
10. Obscured glazing (to rear windows to the en-suites for Plot 1) (2E183)

Directives:

1. In respect of Condition 6 the landscape plan should include a proposal for additional planting along the rear (north east) boundary of the site in order to provide sufficient screening of the site and in particular to plant within existing gaps within the existing boundary treatment.
2. Should any unexpected soil contamination become evident during the development of the site this should be brought to the attention of the Council's Environmental Health Department.

3. 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, ENV1, ENV2, ENV19, ENV24, TR7 and HSG7. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located within the built up area of Bishop's Stortford and is currently occupied by a detached bungalow.
- 1.2 The existing bungalow fronts onto Foxley Drive, with an area of garden space and a driveway to the front of the dwelling. Foxley Drive is an unadopted road which is accessed from Stansted Road. It is predominately occupied by 2 storey detached dwellings.
- 1.3 The current proposal is for the demolition of the existing bungalow and the erection of 2No. 2 storey detached dwellings with garages.
- 1.4 The bulk of the dwelling shown as Plot 1, at the closest point, would be set back from Foxley Drive by a distance of approximately 12.5 metres, with a single storey garage projecting forward of the main dwelling and within 5.5 metres of the adjacent highway. From the front of the dwelling a distance of approximately 3.5 metres would be retained to the boundary with the neighbour at No. 32 Foxley Drive. However, the distance to this neighbours' boundary would reduce to approximately 0.8 metres at the rear of the dwelling. Plot 1 would retain a distance of approximately 11 metres to the rear boundary with the brook.
- 1.5 Plot 2 is sited, at the closest point, within 3.8 metres of the adjacent highway, providing a garage to the side of the dwelling and a driveway to the front. This dwelling would retain a space of approximately 7.6 metres, at the closest point, to the boundary with the rear garden of the neighbouring dwelling No.102 Foxley Drive. Plot 2 would retain a minimum distance of 10 metres to the boundary with the brook at the rear of the site.

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2.0 Site History:

2.1 There is no recent planning history at the site.

3.0 Consultation Responses:

3.1 The Environment Agency have no objection to the proposed development and appreciated the use of permeable paving, rainwater harvesting and the ten metre buffer between the development and the watercourse.

3.2 Environmental Health have recommended conditions in respect of construction hours of working, dust, bonfires, soil contamination and piling works.

3.3 Thames Water have no objection and comment that it is the responsibility of the developer to make proper provision for drainage.

3.4 County Highways do not wish to restrict the grant of permission and comment that the junction of Foxley Drive with Stansted Road is of adequate standard. Traffic generation is unlikely to noticeably change and sufficient parking clear of the private road is provided.

3.5 The Council's Landscape Officer has recommended approval and has stated that there would be no adverse impact upon trees. He recommends that the existing yew tree is removed and replaced and that hedging is planted along the front boundary.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council have objected to the development and have stated that it is contrary to the Town Council's Policy BSP006.

5.0 Other Representations:

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

5.2 21 letters of representation have been received, the issues raised can be summarised as follows:

- Potential damage to the private road;
- Trees and a mature hedge have already been removed at the site;
- Concerns that the garages would not be used for parking vehicles;

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- The garage for Plot 1 would block their sightlines;
- Significant increase in height compared to existing bungalow;
- Pressures on existing drains and additional traffic;
- 1 dwelling would be more appropriate; as would single storey dwellings;
- The raised land level at the site compared to the properties in Stortford Hall Park would result in a loss of privacy, without the guarantee that the existing trees will be retained and due to the height of the buildings would result in a loss of light;
- Potential disturbance to the stability of the river bank;
- Loss of wildlife habitat and disturbance to a foxes den;
- Overdevelopment of the site and increase to the existing footprint by 34%;
- The dwellings and their design and use of red cedar cladding would be out of keeping;
- Inadequate driveway and parking provision at Plot 2;
- The development would not complement the existing pattern of buildings and spaces;
- Plot 1 would be within 1 metre of the boundary with No.32 which together with the increased in height to the existing dwelling would be unduly oppressive, resulting in a loss of outlook and an uncomfortable sense of enclosure and a sense of over intensiveness;
- The rear garden of No. 32 would be entirely overlooked by the 1st floor rear windows and in particular bedroom 2;
- The rear windows of No. 32 rely on light and outlook from the west which the development would result in a loss of;
- Increased noise and disturbance caused by future occupiers; and by construction works;
- Bulk and height of the dwellings would appear very prominent within the street scene; and the long and bulky frontages would be out of keeping with the narrower profile of the surrounding development;
- The garage to the front of Plot1 would dominate the road frontage;
- The applicant is not the sole owner of the land and the application form suggests that notice has not been served on the other owners;
- Loss of light to the rear garden and loss of TV reception to No. 120 Foxley Drive;
- Changes to PPS 3 have removed the references to minimum densities and have excluded residential gardens from the definition of previously developed land;
- Overlooking and loss of light to the neighbours of Stansted Road

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- that back onto Foxley Drive;
- Increased artificial light from dwellings.

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
- ENV19 Development in Areas Liable to Flood
- ENV24 Noise Generating Development
- TR7 Car Parking-Standards
- HSG7 Replacement Dwellings and Infill Housing Development

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

Planning Policy Guidance 1: Delivering Sustainable Development,
Planning Policy Statement 3: Housing

6.0 Considerations:

- 6.1 The principle consideration in this case is whether the proposal accords with the policies of the development plan and its impact on the surrounding area.
- 6.2 The site is located within the built-up area of Bishop's Stortford where there is no objection in principle to development. The determining issues for this application are therefore considered to be the impact that the development would have upon neighbour amenity, the character and appearance of the area, highway safety, flood risk and landscaping.

Neighbour Amenity

- 6.3 The impact that the development would have upon the neighbouring properties in terms of potential loss of light, privacy, outlook and any overbearing impact has been considered by Officers. It is acknowledged that the change from a single storey building to 2 No. 2 storey dwellings will inevitably impact to some degree 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 such as to warrant the refusal of the application.

- 6.4 Plot 1 would retain a distance of approximately 3.5 metres from the front of the dwelling to the boundary with the neighbour at No. 32 Foxley Drive. However, the distance to this neighbour's boundary would reduce to approximately 0.8 metre at the rear of the dwelling. The dwelling house at No. 32 Foxley Drive has a single storey side extension which is sited approximately 1-1.5 metres from the boundary with the application site, with the 2 storey part of the dwelling being approximately 4.5 to 5 metres away from the boundary. This neighbouring dwelling has a flat roofed 2 storey rear projection with side windows at both ground floor and 1st floor within the North West flank. These windows serve the master bedroom at 1st floor level and a living area at ground floor. The occupiers of this neighbouring property have explained that, due to the limited amount of daylight that is received into their north east facing rear windows, they rely upon the light that is received by these secondary windows within the side of this part of their dwelling. The proposed 2 storey dwelling on Plot 1 would be constructed adjacent to the side windows of this neighbouring dwelling, albeit retaining a distance of approximately 5.5 - 6 metres from these windows. Officers acknowledge that the construction of a 2 storey dwelling would be likely to result in some loss of light to the rooms that are served by these side windows. However, having regard to the fact that these are secondary windows and that the rear facing and larger windows that serve these rooms would not be affected, Officers consider that this would not result in an unacceptable loss of light to this neighbour sufficient to justify the refusal of planning permission.
- 6.5 It is acknowledged that the proposed development would considerably alter views from the No. 32 towards the site and most notably from the aforementioned side windows and from the rear garden of the dwelling. However, Members will be aware that the loss of an individual view is not a material consideration for planning applications. The impact that the development would have upon the outlook from the neighbouring dwelling as well as whether the development would appear overbearing is a consideration. The proposed dwelling on Plot 1 would project a limited amount, by approximately 1 metre, beyond the rear elevation of No.32. Officers consider that the proposed development would not have a detrimental impact upon the outlook from the rear rooms of the adjacent dwelling or on its intimate rear garden area. Whilst it is acknowledged that the development would to some degree impact upon the outlook from the side windows of the rear living room and in particular the bedroom, once again this is from a secondary window only and would not have a significant detrimental impact upon the outlook from the primary rear facing windows. The visual impact that the development would have when viewed from the rear garden area of the adjacent property is noted. However, Officers do not consider that

this would result in an overbearing impact on that property.

- 6.6 The internal layout of Plot 1 has been arranged to provide two ensuite bathrooms at the rear of the dwelling, nearest to No. 32. The two first floor windows that are proposed to serve two ensuites can be obscure glazed to ensure that no overlooking from these windows would occur. A condition is therefore recommended to require these windows to be obscure glazed. The remaining rear 1st floor windows to Plot 1 would be some 7.3 metres or so away from the neighbouring property at No. 32. Officers consider that this distance, together with a requirement for the closest windows to this neighbour to be obscure glazed, would ensure that the development would not result in an unacceptable degree of overlooking. Any overlooking that could occur from the rear windows of the proposed dwellings would be restricted to the rear garden of the neighbour and would be to a degree that is typical between residential properties in urban areas.
- 6.7 In considering the impact that the development would have upon the amenities of neighbouring occupiers to the rear of the site in Stortford Hall Park, Officers have taken into account the higher land levels that occur at application site in relation to these neighbours. A minimum distance of 11 metres would be retained between the proposed dwellings and the closest neighbour to the north east, No. 218 Stortford Hall Park and the brook also divides these properties. It is acknowledged that there are currently gaps within the trees along the brook that allow views of the existing dwelling from the rear gardens of the neighbours in Stortford Hall Park. The proposed development would increase the existing development to a two storey height which would inevitably increase the prominence of the development when viewed from the neighbouring properties in Stortford Hall Park. However Officers consider this impact to be an acceptable one. A condition is recommended to ensure that, as part of a detailed landscape plan, a proposal for additional planting to the rear boundary should be agreed and implemented. This would allow openings within the existing boundary planting to be filled to enable a more satisfactory screening of the development from the neighbours to the rear of the site and therefore reducing any impact that the development would have upon their amenities.
- 6.8 In respect of the concerns raised in relation to overlooking into the neighbouring properties in Stortford Hall Park only 1 window would face towards these properties at first floor level, which would be bedroom 2 to Plot 2. Whilst it is anticipated that the existing trees along the boundary of the site would provide some screening between this window and the neighbouring dwellings, Officers consider that some

limited degree of overlooking would occur. However, having regard to the existing tree screening and the distance of 12 metres between this window and the closest neighbour to the rear, Officers consider that the degree of overlooking would not be so significant as to justify the refusal of planning permission. Again, the relationship between these dwellings would be fairly typical of development in an urban environment.

- 6.9 The neighbouring dwelling house to the north west of the site, No. 102 Foxley Drive, is sited some 36 metres from the proposed development at the site, with the single storey garage at Plot 2 being closest. A distance of approximately 8 metres would be retained between the single storey garage at Plot 2 and the boundary with this neighbours' garden and approximately 14 metres between the two storey part of Plot 2 and the boundary. Having regard to these distances Officers consider that the proposed development would not have an unacceptable impact upon the amenities of this neighbouring dwelling.
- 6.10 In respect of the neighbours in Stansted Road that are situated to the west of the site, Officers acknowledge that the change from single storey to 2 storey development at the application site would increase the impact that the existing dwelling has in the area. However, the dwellings are proposed to be sited at an oblique angle from these neighbours which would ensure that the development would not lead to any direct overlooking into the habitable rooms of these neighbouring properties. Furthermore, a minimum distance of approximately 25 metres would be retained between the proposed dwellings and these neighbouring dwelling houses. Officers consider that the impact that the proposed development would have upon these occupiers of the neighbouring dwellings would therefore not be unacceptable and would be similar to the existing relationship between Nos. 21 and 23 Foxley Drive with their neighbours in Stansted Road.
- 6.11 Officers have carefully considered the impact that the proposed development would have upon the amenities of neighbouring occupiers, and whilst they acknowledge the impact that the change from a single bungalow to 2No. 2 storey dwellings would have, it is not considered that the degree of impact would be unacceptable in this instance.

Character and Appearance of the Area

- 6.12 Several of the objections that have been received have raised concerns in respect of an overdevelopment of the site. The site forms a plot of 0.11 hectares, which is noticeably larger in size, and in particular in respect of its width, when compared to the neighbouring plot sizes. The proposal to subdivide the plot would result in two plots of a size that

would be compatible with the density and character of the surrounding development having regard to the expectations of PPS 3 to make an efficient use of land and the plot sizes and character of the surrounding area. Furthermore, Officers consider that the proposal would allow for sufficient private gardens for each of the proposed dwellings, and adequate space between buildings in the area.

- 6.13 Whilst the proposed dwellings are fairly large in size, having regard to their height, scale and design I do not consider that they would appear obtrusive to the detriment of the character of the area in accordance with the aims of Policies ENV1 and HSG7. The design of the dwellings incorporate 2 storey projecting bays, which reflects similar features that are common within Foxley Drive. Officers consider that the overall design and appearance of the dwellings would not be detrimental to the character and appearance of the area.
- 6.14 The concerns that have been raised in respect of the proposal to use a red cedar cladding for the external materials of the dwellings are noted. However, the materials are a matter that would be considered in detail and agreed with the submission of samples by condition of any planning permission granted and therefore this matter can be fully considered at that stage.

Highway Matters and Parking

- 6.15 Having regard to the comments received from County Highways, Officers consider that the proposed access and the additional traffic that is likely to result from the development would not have a detrimental impact upon highway safety.
- 6.16 In respect of parking provision, Appendix II of the Local Plan recommends a maximum provision of 3 spaces for dwellings with 4 or more bedrooms. Plot 1 benefits from a garage as well as adequate space on the driveway for the parking of 3 or more vehicles. Plot 2, however has a smaller driveway, which could accommodate up to 2 vehicles in addition to the space provided within the garage. Having regard to the recommendations within Appendix II, Officers consider that the provision of 2 spaces for this dwelling would be adequate and therefore have not recommended a condition to require the garage to be used solely for the storage of vehicles.
- 6.17 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 civil matter outside the control of

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the Council and is therefore not something that would justify the refusal of planning permission.

Landscaping

- 6.18 Members should note that the tree that has recently been removed from the front of the site was not protected and its removal did not require any consent from the Local Authority.
- 6.19 Whilst there are trees protected by a Tree Preservation Order within the neighbouring property to the north west of the site, the proposed development would retain sufficient space to these trees to ensure that it would not be to their detriment.
- 6.20 Having regard to the recommendation for approval that has been received from the Landscape Officer, your Officers have no objections to the proposal on landscape grounds, subject to the agreement and implementation of a detailed landscape plan by condition.

Flood Risk

- 6.21 Due to the 10 metre buffer zone between the development and the brook the Environment Agency have no objections to the proposed development. Officers are therefore satisfied that the proposed development would not have an unacceptable impact upon flood risk.

Other Matters

- 6.22 The concerns raised in respect of the pressures that the development could have upon the existing drainage infrastructure are duly noted. However, this is an issue that would primarily be dealt with at a building regulation stage.
- 6.23 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.
- 6.24 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.

7.0 Conclusion:

- 7.1 Having regard to the representations made by consultees and local residents, Officers consider that the details submitted for the proposed development are acceptable and accord with the aims of the relevant policies of the Local Plan.
- 7.2 Having regard to the above considerations, it is recommended that planning permission is approved subject to the conditions at the head of this report.