

**5e 3/11/1239/FP – Erection of a terrace of 3 x 2 bedroom dwellings with parking at land to the rear of 20 to 22 Sayesbury Avenue, Sawbridgeworth, CM21 0ED for Raven Estates Ltd**

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**Date of Receipt:** 13.07.2011

**Type:** Full – Minor

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION:**

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

1. T12 – Three year time limit
2. 2E10 – Approved plans (SA01, SA02, NH/449/01, NH/449/02, NH/449/03, 249.1.1 Appendix G, 249.1.2 Appendix H)
3. 2E12 – Sample of materials
4. 2E18 – Obscured glazing (first floor flank windows)
5. 2E07 – Boundary walls and fences
6. 2E24 – Refuse disposal facilities
7. 3V21 – Hard surfacing
8. 3V23 – Provision and retention of parking spaces
9. 4P05 – Tree retention and protection
10. 4P12 – Landscape design proposals (a, d, i, j, k, l)
11. 4P13 – Landscape works implementation
12. 6N05 – Hours of working – plant and machinery
13. No Site clearance (trees, shrubs, ground vegetation) should be conducted during the period October to February inclusive, unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To protect the habitats of breeding birds, in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. 19SN – Street naming and numbering
2. 01OL – Other legislation
3. Where works are required within the public highway to facilitate the vehicle access improvements the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. You are therefore advised to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (Telephone: 01438 757800) prior to the commencement of works for further information and to determine the necessary procedures.

#### 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, ENV16, ENV24 and TR7. 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 situated within the built-up area of Sawbridgeworth as shown on the attached OS extract.
- 1.2 The site itself comprises the rear gardens at Nos. 20 and 22 Sayesbury Avenue which are bound by the adjacent cul-de-sac known as Atherton End to the north, the residential dwellings at Nos. 12 and 13 Stoneleigh to the west and No. 22 Atherton End to the east. The existing gardens are mostly laid-to-lawn with mature shrubs and hedgerow around the boundaries as well as vegetable patches which have since overgrown.
- 1.3 The current proposal is for the erection of 3no. 2 bedroom dwellings with parking. It is proposed that the existing turning head along Atherton End

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would be extended into the application site in order to provide a terrace of two storey dwellings with 6 car parking spaces adjacent to the northern and western boundary of the site. The proposed dwellings would be orientated north towards Atherton End and would be set back 2 metres from the adjacent group of neighbouring dwellings at No. 22 and 22a Atherton End. It is noted that each of the proposed dwellings would benefit from a small area of amenity space at the front, and rear gardens that would be approx 9 metres long. The existing dwellings at No. 20 and 22 Sayesbury Avenue would lose a proportion of their rear gardens, however, they would still retain rear gardens that would be approximately 15 metres in length.

#### **2.0 Site History:**

2.1 There is a history of householder extensions and alterations to the dwelling at No. 20 Sayesbury Road, however, of relevance to the current proposal is the planning permission granted for a pair of semi-detached dwellings to the rear of No. 16 Sayesbury Avenue (LPA Ref: 3/78/0862/FP) and a pair of semi-detached dwellings to the rear of No. 18 Sayesbury Avenue (LPA Ref: 3/79/0205/FP). These dwellings are now known as Nos. 22, 22a, 24 and 24a Atherton End which are situated adjacent to the application site. It is considered that the size, design and car parking layout of these dwellings, together with their close relationship to those dwellings along Sayesbury Avenue is very similar to the proposed development which forms the subject of the current planning application. It should also be noted that planning permission was granted for 10 terraced houses at land off Atherton End (LPA Ref: 3/77/1210/FP). These dwellings now comprise of Nos. 26 to 36 (evens) Atherton End.

#### **3.0 Consultation Responses:**

3.1 County Highways does not wish to restrict the grant of permission subject to conditions relating to the provision and retention of car parking, hard surfacing and wheel washing facilities. They comment that this proposal has been the subject of pre-application advice discussion and in principle agreement with the Highway Authority. They comment that they are aware of concerns expressed by nearby residents but do not believe there is sufficient justification to sustain a highway based reason for refusal. Whilst it is acknowledged that traffic movements along Atherton End will increase as a result of the development, the increase will not be significant when compared against existing traffic generation.

3.2 Atherton End is a typical estate road serving a substantial number of residential dwellings where an extra three dwellings represent a less than

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10% increase which is the figure used as representing significance in highway terms. No reported road traffic accidents have occurred along its length or at the junction with West Road in the past 5 years, with the nearest accident occurring on West Road at the junction of Crofters on a Friday evening in September last year. In these circumstances the Highway Authority has no objection to the proposals as submitted.

- 3.3 Environmental Health advises that any permission should include the following conditions: construction hours of working, dust, bonfires, soil decontamination, refuse disposal facilities.
- 3.4 Herts Biological Records Centre (HBRC) comments that given no mature trees are to be felled, it is reasonable to conclude that the proposed development should not impact on bats. Site clearance carried out at an inappropriate time of year, could impact on breeding birds. Therefore it is recommended that a condition be imposed to secure the following:-
- Site clearance (trees, shrubs, ground vegetation) should be conducted during the period October to February inclusive. Reason: to protect breeding birds, their nests, eggs and young.
- 3.5 Landscape comments that the proposal would not result in any adverse impact on significant trees provided the submitted Arboricultural Impact Assessment and Method Statement is adhered to during the consultation phase. The indicative layout is OK, although some reservations in that the proposed development does not assimilate as well as it could with the existing grain and pattern of development in the immediate vicinity i.e. being semi-detached dwellings rather than the proposed three unit terrace. They recommend landscape condition be attached to planning consent should the application be approved.
- 3.6 Thames Water raised no objections to the proposed development in terms of water supply and sewerage infrastructure. They recommend that the developer contact them in the event of groundwater permit enquiries.
- 4.0 Town Council Representations:**
- 4.1 Sawbridgeworth Town Council objects to the proposal as it appears to be contrary to HSG7, development is not well sited in relation to surrounding buildings and will appear obtrusive and over-intensive. They also comment that officers are asked to note the representations from members of the public on many other aspects of this application.

**5.0 Other Representations:**

- 5.1 The applications have been advertised by way of site notice and neighbour notification.
- 5.2 12 letters of representation and a petition with 32 signatures have been received which raise objections that can be summarised as follows:-

**Neighbour Amenity**

- The proposed development will overshadow and block the western views of No. 22 Atherton End by 3.2 metres as it will be set back 2 metres from the road. The development will also lose light to the western window as well as sunlight from the back garden, lounge and back bedroom. It will also affect the visual amenity of the area by losing light and trees from the western boundary.
- The proposed development will project 3.2 metres beyond the rear of 22a Atherton End and will block natural light to the rear living room.
- No. 12 Stoneleigh will be overlooked by the upstairs windows of the development that will look directly into their living space.
- The proposed development would be obtrusive to the property at No. 13 Stoneleigh, being situated only 1 metre from their boundary.
- The proposed refuse bins will be sited next to the fence at No. 12 Stoneleigh and will be a health hazard as well as create intolerable smells in their garden.
- The rear upstairs windows of the proposed properties would overlook the conservatory and east facing windows of No. 13 Stoneleigh.
- The proposed development will have a detrimental impact on the existing residents of Atherton End which is a built-up area.
- The local community consider that the proposal will result in serious deterioration of the amenities and character of the area currently enjoyed by residents, loss of daylight, sunlight, privacy, green spaces, wildlife habitat, hedges, young and veteran trees and visual interest. This will be compounded by increased noise, overshadowing and traffic generation.
- The proposed works will cause disturbance during the day to those who work nights and will be at home.

**Housing Need**

- The need for housing is not demonstrated and will have a major negative impact on the natural surroundings with the unnecessary destruction of green spaces, hedging and trees and the enjoyment of highly valued amenities by surrounding residents.

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- The development would contravene PPS3 9<sup>th</sup> June 2010 in reclassification of gardens, colloquially known as 'Garden Grabbing'. This development would create a precedent in this area.
- In reference to Policy GBC14 this application will weaken the local landscape character and cannot be mitigated by any landscape proposals in the applicant's supporting documents.
- The result of property developers' race to fill every possible piece of 'vacant land' has resulted in intrusion into privacy by ongoing applications for more dwellings. Examples of new dwellings that were previously approved in Sawbridgeworth were given.
- The proposed design of the development could have been modified to include hipped roofs to lessen its visual impact.

#### Access and Parking

- The proposed development would increase traffic movements that would be unsafe. In particular, Atherton End is used by parents for parking and turning as they drop off and collect their children from Mandeville School. The additional traffic will also affect the existing road surface.
- The proposed access spur taking all the traffic including large refuse trucks to Atherton End cannot accommodate this new level of vehicle transits in terms of width of turning space or compaction of root protection areas (RPA) of veteran trees. The turning space will be too small to enable large vehicles to exit without crossing green spaces.
- Inadequate provision of parking will lead to displacement of parking, compounded by the additional school traffic, meaning reduced highway capacity for emergency vehicles, reduced pedestrian and vehicular visibility, congestion and reduced quality of life for residents.
- The proposed access spur is wholly unsuitable and unsafe for the increased level of residents and service/emergency service vehicles resulting in a dangerous increase in vehicle numbers joining West Road at peak hours which is already compromised by parents with children of Mandeville School parking in the road.
- The new visitor car parking spaces which will replace the 3 existing visitor spaces for 22 to 24a Atherton End will be relocated adjacent to the driveway of 22a Atherton End thereby reducing the turning circle available. This will be potentially dangerous as vehicles will have to reverse up the road.
- Limited access to the site will be available during the construction phase of development as the road is tight and it could lead to blocked cars.

### Trees and Landscaping

- The plans do not show the correct position of trees and as a result will cause damage or loss. The tree survey contains inaccuracies and omissions, in particular concerning a veteran Walnut tree. The pre-emptive clearance of trees makes a mockery of the Council's tree policy.
- The proposal will detrimentally affect the character of Atherton End and the proposed development will be a loss of visual amenity and outlook.
- The proposal will have an adverse impact on tree roots and the removal of existing trees will result in an increase in noise and disturbance.

### Protected Species

- The application has not acknowledged the presence of bats in the immediate vicinity of the site and the development will result in the loss of their habitat and foraging space.
- The development would alter the nature and characteristics of the area, removing small pockets of natural habitat affecting wildlife and birds.

5.3 Cllr Roger Beeching comments that the Planning Control regulations that are contravened fall mainly to HSG7. The development of three units in the position proposed will have a major affect on the surrounding properties and green spaces. Residents in three roads are affected Sayesbury Avenue, Stoneleigh and Atherton End. The strength of negative feeling is indicated by the 32 signature petition that has been raised. Some of the trees abutting closely to the development are under consideration of a TPO. Many have already got covenants of protection on them from the time of the original sale of Stoneleigh House. One tree, an acacia , a large mature tree will be within 5 metres of the foundations of the new house where 7 metres is the minimum recommended for a tree of this type and size. Other mature trees are omitted from the plans or are in the wrong position. The area is a wild life haven, with bats routinely seen in the adjoining gardens, one has a bat box. The garden of No. 20 Sayesbury Avenue has been partially cleared and this may well now disguise the wild life living there.

5.4 The access road to the proposed site has not been adopted and the residents are liable for its repair and maintenance. Recently there have been problems with the drainage and sewage systems blocking up. The extra houses will no doubt put an extra strain on the flow in the pipes and

more problems of this sort may well recur. Parking will be inadequate, as it is already. An extra three houses could well generate another 6 cars there will therefore be problems with parking and maneuverability for all residents in this small cul-de-sac. The proposed building line is set 3.2metres back from those houses already built, this will inevitably cause lack of light in to gardens and windows and excessive shadowing of the area to what is enjoyed now. At present sunshine is in the back gardens of 20 and 22 Atherton End until 9pm or later, if the building goes ahead it will at some times of the year be in shadow from 2pm onwards. Should the Localism Bill be approved by parliament, this is an application which would fail due to its inappropriateness and overwhelming local opposition of the residents.

- 5.5 Other comments were also received regarding sewerage/drainage connections to the properties and restrictive covenants concerning trees, however, these do not constitute material planning considerations in the determination of the planning application.

## **6.0 Policy:**

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

SD2	Settlement Hierarchy
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species

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

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

## **7.0 Considerations:**

- 7.1 The key considerations in the determination of this application are whether the proposal accords with the policies of the development plan and its impact on the surrounding area.
- 7.2 The application site is located within the built-up area of Sawbridgeworth wherein there is no objection in principle to infill housing development.



The determining issues for this application are therefore considered to be the impact that the development would have upon the character and appearance of the area, neighbouring amenity, highways and access considerations, landscaping and other matters.

**Character and Appearance of the Area**

- 7.2 As mentioned above, it is noted that planning permission was previously granted for dwellings within the rear gardens of Nos. 16 and 18 Sayesbury Avenue (LPA Ref: 3/78/0862/FP, 3/79/0205/FP) which now comprise of 2 sets of semi-detached dwellings known as Nos. 22, 22a, 24 and 24a Atherton End. It is considered that the current proposal would follow the pattern of these existing residential dwellings and the proposed plot sizes, layout, the level of amenity space and car parking would be comparable to surrounding residential development, in accordance with Policy HSG7. It is also considered that comfortable spacing would be retained between the proposed terrace and the adjacent pair of dwellings at Nos. 22 and 22A Atherton End. As such, it is considered that the proposed development would be compatible with the density and character of the surrounding local development and would have regard to the expectations set out within PPS3 with regards to the efficient use of land and the character of the surrounding area. Furthermore, it is considered that the proposal would allow for sufficient private gardens for each of the proposed dwellings, and the existing dwellings at Nos. 20 to 22 Sayesbury Avenue.
- 7.3 Turning to the design of the development, it is considered that the height and proportions of the proposed terrace of dwellings would be similar to surrounding development within the vicinity of Atherton End. In particular, the traditional pitched roof design and simple fenestrations would complement the vernacular of surrounding local development. It is therefore considered that the overall design and appearance of the proposed dwellings would not be detrimental to the character and appearance of the surrounding area.
- 7.4 A number of objections have been raised regarding garden grabbing, the need for housing in this particular area and the impact on the character and appearance of the locality. The amendments made to PPS3 in 2010 excluded 'private residential gardens' from the definition of previously developed land. However, notwithstanding this change, having regard to the policies of the Local Plan and that Sawbridgeworth is identified as a main settlement (wherein development is acceptable in principle in accordance with policy SD2) the change to PPS3 does not prevent development on private residential gardens in the main settlements. There is therefore no objection in principle to the development of this

site.

- 7.5 With regards to the need for housing in this area, it is considered that the proposal would accord with the Council's Local Plan Policy HSG7 and would be in line with objectives set out within Planning Policy Statement 3: Housing. Finally, for those reasons outlined above it is considered that the proposed development would follow the pattern of local development and would not be detrimental to the character and appearance of the surrounding area.

#### Neighbouring Amenity

- 7.6 The proposed group of dwellings would be situated approximately 25 metres away from the rear elevation of the existing pair of semi-detached dwellings at Nos. 20 and 22 Sayesbury Avenue to the south of the application site. It is considered that this would provide a sufficient set back between the existing and proposed dwellings to prevent any overlooking or loss of privacy that would be detrimental to existing and future occupiers. Furthermore, it is considered that generous rear gardens would be retained for the existing occupiers of Nos. 20 and 22 Sayesbury Avenue and future occupiers of the proposed development.
- 7.7 It is also considered that the proposed development would be situated over 20 metres away from the neighbouring dwellings at Nos. 12 and 13 Stoneleigh and No. 20 Atherton End to the west and north (respectively) of the application site. This would provide sufficient degree of spacing between the neighbouring dwellings and proposed development to mitigate against any adversely detrimental impact upon the amenities of neighbouring occupiers by way of overlooking or loss of privacy. Moreover, the side elevation of the development which would face the adjacent neighbouring dwellings at Nos. 12 and 13 Stoneleigh would be windowless, apart from the proposed first floor bathroom window which could be retained as obscured glazing through a relevant condition. It is therefore considered that the proposed development would not result in a degree of overlooking or loss of privacy that would be detrimental to the amenities of neighbouring occupiers at Nos. 12 and 13 Stoneleigh, or No. 20 Atherton End.
- 7.8 Turning to the impact of the development on the neighbouring dwellings to the east of the application site, the proposed terrace would be situated 2 metres away from the side elevation of the existing dwelling at No. 22 Atherton End. Whilst it is acknowledged that the proposed development would be in close proximity to the flank elevation of the neighbouring dwelling, it is considered that the proposed layout and spacing is similar to surrounding residential development within the vicinity of Atherton

End. It is also considered that the flank elevation of No. 22 Atherton End only contains a first floor bathroom window which does not represent primary accommodation. As such, it is considered that the proposed development would be comfortably sited in relation to the adjacent dwelling at No. 22 Atherton End and would not result in a loss of light or outlook to the first floor side window that would be detrimental to the amenities of neighbouring occupiers thereof.

- 7.9 As mentioned earlier in the report, the proposed group of dwellings would project 3.2 metres beyond the rear elevation of the pair of semi-detached dwellings at Nos. 22 and 22a Atherton End. It is acknowledged that this may cause some loss of daylight to the rear windows which serve a bedroom and lounge/dining area at No. 22 Atherton End. However, it is considered that the proposed development would be situated 2 metres away from the flank elevation of the neighbouring dwelling and the proposed relationship between the existing and proposed dwellings is similar to the existing relationship between Nos. 28 and 30 Atherton End whereby the rear of No. 30 projects a full 3 metres beyond the rear elevation of No. 28. Furthermore, as these dwellings are part of a group of terraces they do not benefit from spacing between the sides of the dwellings, as is the case with the current application. It is also considered that as the rear elevations of No. 22 and 22a Atherton End are south facing and the proposed development would be situated adjacent to the western boundary of these dwellings this would not result in a significant loss of sunlight or overshadowing that would be of detriment to the amenities of neighbouring occupiers thereof.
- 7.10 Whilst it is acknowledged that a number of concerns have been raised by neighbours concerning loss of outlook, privacy, light and overshadowing to neighbouring properties, for those reasons outlined above it is considered that the proposed development would not be sufficiently harmful to the amenities of neighbouring occupiers to warrant refusal of the application on these grounds. It is noted that some residents are concerned that the construction phase of development will create noise and disturbance. Whilst it is acknowledged that new developments will generate levels of noise and disruption for a certain period of time this can be controlled by other statutory legislation. However, taking into consideration the proximity of the site to nearby residential dwellings and the comments from the Environmental Health, it is considered that a 'construction hours of working' condition should be recommended in this instance. It is also noted that concerns have been raised regarding odours from refuse storage bins adjacent to the site boundary. However, it is considered that the storage of household waste is unlikely to result in significant smells and odours that would be harmful to adjoining neighbouring occupiers and in any event the existing site comprises of a

dwelling and residential garden whereby household waste and other materials could be stored. However, it is considered that a relevant refuse storage condition should be recommended in the interest of amenity.

#### Highway and Access

- 7.11 It is proposed that there would be 6 car parking spaces available for the new dwellings as well as 3 'replacement' parking spaces. It was observed on site that the turning head provides occasional/visitor parking for existing residents along Atherton End and the 3 spaces would replace those that would be lost as a result of the proposed development. Within the Council's Vehicle Parking SPD new residential dwellings require a maximum of 1.5 car parking spaces per 2 bedroom dwelling. It is therefore considered that the proposed provision of 6 spaces would be over and above the Council's parking standards. It is noted that a number of residents have raised concerns regarding insufficient car parking, however, it is considered the proposal would incorporate a sufficient supply of car parking for a development of this size, in accordance with Policy TR7.
- 7.12 It is noted that County Highways raised no objections to the proposed development on the grounds of highway safety. Whilst it is acknowledged that a number of residents raised objections to the proposal on the grounds of traffic congestion and road safety issues, in light of the comments from the Highways Authority and the limited number of dwellings proposed, it is considered that the new development of 3 dwellings would not give rise to a level of vehicle movements that be detrimental to highways safety or capacity, particularly compared to existing vehicle movements along Atherton End and West Road.

#### Landscaping

- 7.13 A number of concerns have been raised regarding the accuracies of the submitted plans and potential damage or loss of trees as a result of the proposed works. It is considered that the Council's Landscape Officer comments that the proposal would not result in any adverse impact on significant trees provided the submitted Arboricultural Impact Assessment and Method Statement is adhered to during the construction phase. Taking these comments into consideration it is recommended that relevant landscaping and tree protection conditions should be included in the event of approval of the application. Whilst it is acknowledged that the Landscape Officer has some reservations regarding the proposed pattern of development, for the reasons outlined earlier in this report it is considered that the proposed development

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would not be sufficiently detrimental to the character and appearance of the surrounding area to warrant refusal of the application in this instance.

#### **Other Matters**

7.14 It is acknowledged that concerns have been raised regarding the presence of protected species within the application site. However, it is considered that HBRC comments that given no mature trees are to be felled, it is reasonable to conclude that the proposed development should not impact upon bats. They further comment that should site clearance be carried out at an inappropriate time of year then this could impact upon breeding birds. As such, it is considered that a relevant condition should be recommended in the event of approval of the application.

#### **8.0 Conclusion:**

8.1 Having regard to the above considerations and the representations made by consultees and local residents, it is considered that the proposed development would be acceptable and accords with the aims of the relevant policies of the Council's Local Plan.

8.2 Having regard to the considerations outlined above, it is considered that planning permission should be granted subject to the conditions outlined at the head of this report.