

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Davies 'A'	Proposed two bedroom bungalow - Land to the rear of 51 Twatling Road, Barnt Green, B45 8HS	Res	11/0333-DK 06.06.2011

**Councillor Deeming has requested that this application is not dealt with under delegated powers but is taken to Planning Committee for determination (Verbal Request 18.05.2011)**

**RECOMMENDATION:** that permission be **REFUSED**.

Lickey and Blackwell PC Consulted: 19.04.2011. Response received: 11.05.2011.  
Objection. Although the bungalow is reduced in size from the previous one the proposal amounts to garden grabbing contrary to the village design statement and the character of Barnt Green is being eroded.

WH Consulted: 19.04.2011. Response received: 11.05.2011.  
No objection.

ENG Consulted 19.04.2011. Response received: 26.04.2011  
No objection subject to conditions.

EHO Consulted: 19.04.2011. Response received: 12.05.2011.  
No objection.

Publicity: Neighbour notification,  
7 letters sent 19.04.2011, expire 10.05.2011.  
Site Notice posted 13.05.2011, expires 03.06.2011.

4 Responses received. The issues raised are summarised as follows:

- Over development of the plot where there are already 5 houses. There is a history of altering permissions to achieve much larger developments
- The site plan presented is misleading as it does not show all of the properties which have been built in the rear gardens.
- The proposal would result in an overall development pattern which would detract from the ambience and character of the area. There is an overcrowding of development on the site.
- The privacy of Nos. 49, 55 and 57 will be detrimentally affected.
- Planning permission has already been refused for a dwelling here
- The access road is very poor.
- The proposal would sit above the dwelling built at the rear of No. 49 resulting in substantial overlooking and overshadowing.
- Drainage problems
- The roof height would enable the creation of a dormer bungalow
- The surrounding residents have endured three years of building works which have caused pollution and disruption to the natural environment.
- The application is the same as the previously refused proposal on the site.

### The site and its surroundings

The application site is a narrow plot to the rear of No. 51 Twatling Road with the plot on a NE/SW axis. There is a new dwelling built to the NE and to the NW. There is a Laurel hedge on the boundary of the site.

### Proposal

The proposal is a full planning application for the erection of a two bedroom bungalow.

### Relevant Policies

WMSS    QE1, QE2, QE3.  
WCSP    CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1  
BDLP    DS4, DS13, S7, C4, C17, BG4, TR1, TR11.  
DCS2    CP3, CP10.  
Others   PPS1, PPS3, PPS9, PPG13, SPG1.

### Relevant Planning History

B/2010/1005    A proposed two bedroom bungalow. Refused 03.12.2010.

B/2010/0196    Proposed four-bedroomed dormer bungalow (As augmented by plans received 17.05.2010). Refused 17.06.2010.

B/2007/0801    Detached dormer bungalow and garage (re-submission). Granted 12.09.2007.

B/2007/0227    Proposed detached dwelling on site of previous approval B/2005/0519. Granted 27.04.2007.

B/2005/0519    2 bedroom detached bungalow with separate garage. Granted 10.08.2005.

B/2004/0408    Demolition of existing units and erection of 6 dwellings. Refused - 25.05.2004. Appeal dismissed.

B/2003/0958    Erection of 2 x one and a half storey dwellings with detached garages to land at rear and erection of two detached garages at the front with new access (Relates to land at 49 and 51 Twatling Road). Granted 21.10.03.

### Notes

This is a re-submission of application B/2010/1005 to erect new dwelling on land to the rear of 51 Twatling Road. In the interests of clarity, the current proposal is almost identical to the previous application with the only changes being the inclusion of the doorway in the set forward gable on the front elevation and a slight reduction of the width of the property.

Members should note there have been a number of applications to develop dwellings in the rear gardens of dwellings on the north side of Twatling Road. This includes the applications outlined in the planning history relating to the above site but also there have been approvals for the erection of two additional residential dwellings in the gardens to the rear of 57 – 59 Twatling Road (B2009/0963).

I consider that the key issues in the determination of this application are:

- (i) The principle of development on this site,
- (ii) The design, density and layout of the proposal and
- (iii) The amenity of adjoining occupiers and on the surrounding neighbourhood

In this respect, policies D5 and SD3 of the Worcestershire County Structure Plan, policies S7 and BG4 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

#### (i) Principle

The implications of the recent changes to PPS3 are:

- 1) minimum densities for housing have been abolished; and
- 2) garden land has been removed from the definition of 'previously developed land' set out at Annex B of PPS3,

However, the exclusion of private garden land from the PDL definition does not sanction the refusal of all housing development on such sites, in principle. This would be a mis-interpretation of this limited change to PPS3. There may be circumstances, where, despite the site being private garden land (non-PDL) and therefore no longer benefiting from the previous planning advantage, other material considerations demonstrate that housing development on that particular site would still represent efficient and effective use of land to meet sustainable development objectives, causing no harm to other interests or to adopted development plan policy objectives. In this instance, I do not consider that the principle of the development is in doubt.

#### (ii) Design Density Layout and Amenity

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwelling in the current proposal on a site of 0.033 Ha results in a density of 30 per hectare or approximately 12 per acre, which is higher than the 2 – 8 units per hectare recommended in the explanatory text of policy BG4. The explanatory diagram prepared for Members to consider the cumulative effect of backland housing shows that there would be substantial increase in the localised density between 49 and 51 Twatling Road. The prevailing character of the area would be changed and this proposal does not overcome my objection to the previous scheme.

The comments received from neighbouring residents are noted and I concur with their views that the number of recent approvals at the site reduces the character of the immediate area.

The dwelling would be aligned to the new dwelling built in the rear garden of No. 53 in a tandem arrangement contrary to the advice of paragraph 5.8 of SPG1. The dwelling approved in the rear garden of No. 49 (B/2007/0801) is set forward of the current proposal resulting in a diagonal arrangement with respect to the current proposal and the dwelling built at the rear of No. 53. The principle of developing rear gardens has been established in the vicinity. I do not consider that the design is ground breaking or innovative in any respect.

In terms of the boundary treatments present on the site, these consist of a hedge of varying heights towards the boundary with No. 49. To the south, there is a 2m high wooden fence with the boundary of No. 51 with the application site elevated above this property. There is a close boarded fence proposed to separate the access road leading to the new dwellings to the east and north. The fence does not address the close proximity of the proposal to the access road and adjoining properties. The proposal will not lead to the loss of mature trees or boundary hedges.

### (iii) Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. There is adequate distance to Nos. 51 and 53 of 40m but the difference in levels is noted. There is a 15m separation distance between the garden room window on the proposal and the front wall of the new dwelling constructed opposite in the garden to the rear of No. 53. Whilst there may be no direct overlooking, I do not consider that the privacy of the latter house or garden would be protected. In terms of light, there is a significant loss to the reception rooms and garden of the already constructed dwelling to the north because of the position of the new house.

Although there is a 21m separation distance to the new property behind the dwelling, I consider that this is barely adequate given the difference in levels.

There is only a 5m separation distance from the dwelling approved on the rear garden of No. 49. Whilst there are only obscure glazed windows to the side of this property, the windows to the west elevation on the proposal will face blank elevations. I note the comment of the resident of No. 49 and I consider that given the differences in levels and the close proximity of the proposal that there is a loss of amenity.

In terms of the provision of private amenity space, paragraph 9.0 recommends that a minimum of 70m<sup>2</sup> of space is required for a dwelling with six habitable rooms. The proposal provides this minimum and there are two parking spaces proposed in the rear curtilage.

Overall, the proposal does not conform with the advice of SPG1 and or with the requirements of policy S7(e).

### Other Issues

There is no objection from EH in respect of contaminated land. The development can be adequately serviced and would not perpetuate a traffic hazard. There is no objection from the Council's Drainage Engineer or WH.

## Conclusion

The proposal would result in a pattern of development which would increase the density of this low density area as defined in policy BG4 of the BDLP 2004. There would be a loss of amenity to adjoining properties by virtue of overlooking and loss of light by virtue of the proximity of the proposal to properties in the immediate vicinity. The comments which relate to the loss of the character of the area as a result of the proposal and the cumulative effect on character arising from surrounding dwellings has been duly considered above.

**RECOMMENDATION:** that permission be **REFUSED** for the following reasons:

1. The proposed dwelling does not respect the density and character of the area. As such the proposal is contrary to policies S7 and BG4 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.
2. The proposed development would not respect the amenity of adjoining occupiers contrary to policies DS13 and S7 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1, the Council's Residential Design Guide.