

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mrs. J. White 'A'	Access drive and two dwellings - 41 Sandhills Road, Barnt Green, B45 8NP	Res	11/0353-DK 10.06.2011

RECOMMENDATION: that permission be **REFUSED**.

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)

Consultations

Barnt Green
PC

Consulted 28.04.2011. No response to date.

WH

Consulted 28.04.2011. Response received: 26.05.2011.

Recommends that the permission be **refused** for the following reasons:-

The proposed drive to serve the two new properties and the replacement parking area for the 41 Sandhills Road is too narrow and does not comply with Worcestershire County Councils adopted design guide. The proposed width is 3m for a distance exceeding 30m where the policy requires a width of 3.5m and every 25m the ability for 2 vehicles to pass each other therefore there drive width must increase to a minimum of 4.1m. The non compliance will result in vehicles reversing onto or waiting on the highway for another vehicle to pass which will have an adverse impact on highway safety.

ENG

Consulted 28.04.2011. Response received: 16.05.2011.
No objection subject to conditions.

EHO

Consulted 28.04.2011. Response received: 27.05.2011.
No adverse comments in relation to contaminated land risk assessment.

Tree Officer

Consulted 18.05.2011. Response received 23.05.2011.

There are valuable trees on or within influencing distance of the development site some worthy of protection and others providing valuable screening to neighbouring properties. I feel it would not be possible to develop the site without losing or adversely affecting the health of a high percentage of these trees and therefore the proposal should be refused.

The Tree Officer has been in consultation with the applicant and further comments are awaited.

Publicity

4 letters sent 28.04.2011. Expired 19.05.2011.
26 Comments received, summarized as appropriate:

- Objection: Increased road noise, traffic and parking issues on Sandhills Road. The new access would cause a hazard to pedestrians and existing parking would obstruct the entrance. The entrance is also close to the Church, Parish Centre and a day nursery.
- The proposal would set a precedent for other investors to build on other gardens and destroy the established and mature character of Barnt Green. There are no other examples of this sort of development in gardens on Sandhills Road. The character of the traditional garden suburb would be lost.
- The proposal would lead to the loss of 11 mature trees, plants and wildlife
- The existing private garden leads to a feeling of spaciousness and this would be lost
- Gardens are no longer classified as brownfield sites in the revisions to PPS3.
- There may be drainage problems.
- The proposal breaches policy S8 – Plot sub-division which states that development proposals should not adversely affect the character, traditional pattern or amenity of the area. The proposal has a detrimental effect through the loss of the trees and the loss of amenity for the properties along Sandhills Road and 1A and 1B Bittel Lane.
- The proposal is out of character with the area and would be an inappropriate density of housing. The properties 1A -3A Bittel Lane are built in an orchard not a private garden. The proposal would result in a tandem pattern of development.
- The garden of No. 43 would be overlooked. There is not 10m between the first floor windows and the fence. The back gardens of the property would not conform to the 72sqm minimum for private amenity space. There is also insufficient capacity for extensions. The new drive is below the level of No. 43 and the disturbance could cause subsidence.
- Properties would be devalued.
- The proposal has not been publicised with a site notice
- There would be noise and disturbance for existing residents during the construction phase.

- The proposal is for large properties and no affordable units. There is limited housing demand with many properties for sale in the area
- The boundary between Nos. 37 and 41 is not correctly represented on the plans. The correct boundary is approx 1m closer to No. 41. The proposed development is within 10 of the boundary with No. 37.
- The proposal is close to the south western boundary of No. 26 Orchard Croft and there would be a loss of sunlight to the garden and vegetable plot. The development does not accord with section 6.3 of SPG1 in that the daylight to the front of No. 1B Bittell Lane would not be safeguarded. It also conflicts with paragraph 8.5 in that an upstairs window in the side of the house is 10m from No. 1B.
- The parking provision is insufficient and the access road too narrow to allow cars to pass each other.

The site and its surroundings

The application site is the rear garden of No. 41 which is a modern detached property on the north side of Sandhills Road. The neighbouring properties are generally semi detached, with a mix of architectural features and a uniformity of design in the streetscene. It is noted that the garden has a substantial width of approximately 22m. There are some substantial trees particularly on the side of No. 37. The garden is substantially set down from the house and there are also changes in levels (downwards) in the No. 43 – 37 direction.

Proposal

The proposal is for the demolition of an existing garage, and the erection of two detached four bedroom dwellings.

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, S8, C4, C17, TR1, TR11.
DCS2 CP3, CP10.
Others PPS1, PPS3, PPS9, PPG13, SPG1.

Relevant Planning History

P10/0126 2 Four bedroom bungalows – Pre Application advice
B15785 Erection of two storey side extensions to form guest room/study with bedroom over. Granted 14.12.1987.

Notes

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

- (i) The principle of development on this site,
- (ii) The impact of the plot sub-division and the resulting density and layout in respect of the character of the area
- (iii) The impact of the proposal on existing trees
- (iv) The impact of the proposal on the amenity of neighbouring residents

In this respect, policies S7 and S8 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

Members should note the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. 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, on which there is a presumption in favour of development.

The changes therefore do not mean that garden land may not be used, as the requirement in PPS3 and other national policy documents to use land efficiently and effectively still apply. The application can be determined in accordance with these principles. In terms of considering the application, I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

Members should note the comments received in the representations which question the principle of development. However, the site is located within the defined urban area and as such, I do not consider that current national and local planning policy establishes a presumption against development at this location. I examine the proposal on the basis of policies S7 and S8 of the BDLP and the advice of SPG1.

(ii) Design Density and Layout

There are representations received in respect of the density of the proposal and its inappropriateness in the locality. The site area is 0.16Ha and the resulting density would be 12 dwellings per hectare and this is not a high density of development in any urban context. The more relevant consideration is the layout.

Members should note that most of the representations raised the issue that the proposal would not respect the traditional character or layout of development in the area and thereby it breached policies S7 and S8. The proposal amounts to backland development and there are no other examples of this on either side of Sandhills Road. There are spacious gardens and the proposal would undoubtedly result in a significant change in the current balance of built development and open space. The applicant states that 'the

form and layout are appropriate when considered against the new housing at the rear of the site'. This is assumed to refer to 1A and 1B Bittell Lane which have been built to the rear of No. 3 Bittell Lane. These appear to have been permitted under B/1992/0576. The representations have stated that this land was formerly an orchard and the planning history confirms this. I do not consider that this sets a direct precedent for backland development on Sandhills Road. I am mindful of the recent appeal decision at 46 Alcester Road Hollywood in which the Inspector commented:

'The appeal site comprises a detached dwelling and its unusually long rear garden, in a suburban residential area where there is considerable variety in the form, design and layout of housing and in the sizes of individual plots. However the prevailing development pattern, which is part of the area's character, is one of dwellings fronting onto streets. The gardens form a private environment at the rear and for this reason, ...the blocks of rear gardens are also an important element of the area's character.'

In contrast to the appeal site, this application site is part of a streetscene which is relatively uniform in layout and design with the gardens similarly forming important private spaces. I conclude the proposal would not accord with the prevailing layout and character of the area. In terms of the design of the proposal, it is a conventional suburban appearance. I note that the projecting gable in Plot A is not characteristic of the area.

(iii) Trees

There are a number of mature trees on the application site, especially on the boundary with No. 37 to the west. The applicant has presented a Tree Report with the application which recommends the removal of 3 broadleaved and 8 coniferous trees. This includes most of the trees on the east side of the site and some on the opposite side. It is proposed to retain 3 large broadleaved trees on the west side towards No. 37. Members should note the concerns raised in the representations in respect of the loss of trees and mature landscaping and the requirements of policies S7 and C17 in this respect. The initial views of the Tree Officer are noted. On the basis of the evidence presented, it is clear that the proposal would result in the loss (or at least, the partial loss) of the mature trees and landscaping on the site and would not accord with policies S7 and C17.

(iv) Residential Amenity

There are several of the representations received which have referred to a loss of residential amenity. Members must carefully consider whether there actually is a loss of privacy or amenity as opposed to simply a loss of outlook. I will focus particularly on the adjoining properties where the potential loss of amenity is more possible.

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings. There is approximately 25m between the rear windows of the existing No. 41 and the side of plot A and there are no side windows in the plot. The proposed dwellings are oriented on a north south axis such that the main windows of the dwellings would face the gardens of Nos. 37 and 43. There is a side window on plot B which is close to the boundary with 1B Bittell Lane and the window would be approximately 17m from the front of that property. I note the representation received but consider that the ensuite window could be obscure

glazed by condition and no loss of privacy would arise. I consider that the properties 1A and 1B Bittell Lane are at right angles to the proposal and therefore would not breach the requirements of Fig. 14 of SPG1. The same applies to the properties at Orchard Croft and Sandhills Road.

Paragraph 8.5 of SPG1 advises that new development needs to be set off by 5m per storey where it adjoins a private garden. There is approximately 7m distance to the boundary with No. 43. Plot A has been designed such that only ensuite windows face this direction on the first floor but there is a bedroom and lounge on the ground floor and these are too close to the boundary with No. 43. I note that the garden of this property is above the level of the garden for the proposal, but a 7m set off is inadequate and would reduce evening light and infringe privacy. I am mindful of the recent appeal decision on B/2010/0326 in which it was held that a driveway and parking areas were detrimental to an adjoining neighbour's enjoyment of their garden. The hedge is weak in places further compounded by the removal of several existing trees on this boundary.

To the rear of the proposal, there is a 10m set off for plot A and approximately 9m for plot B and this is reasonably acceptable. I note the comments from the residents of No. 37 in respect of the position of the boundary and the applicant has been asked to clarify this matter and amend the plans as appropriate.

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

Other Issues

The site is below the threshold for the provision of an open space contribution in the context of SPG11. The history of the site indicates little likelihood of contamination and there is no objection from Environmental Health. The representations raised concerns about drainage. However, the Drainage Engineer has raised no objection subject to conditions. There is, currently an objection from WH in respect of the width of the proposed drive. The matter is being reviewed by the applicant and Members will be updated on the outcome.

Conclusion

Whilst the principle of development of the site may be acceptable; there are a number of significant concerns in respect of the impact of the proposal on the traditional character of the area. Whilst the applicant has referred to the pre application advice, this was raised as a significant concern at that point and remains so. In addition to the lack of conformity of the layout with the surrounding area, there is also a loss of trees and mature landscaping and a loss of amenity especially to the gardens adjoining the application site. Permission should be refused.

RECOMMENDATION: that permission be REFUSED for the following reasons:

1. The proposed development does not respect the layout, form and character of the area. As such the proposal is contrary to policies S7 and DS13 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.
3. The proposal would result in the loss of trees and mature landscaping contrary to policies S7 and C17 of the Bromsgrove District Local Plan 2004.
4. The proposal would not allow for a safe access and egress to the adjoining highway contrary to policy TR11 of the Bromsgrove District Local Plan 2004.