

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|---|--------------------|--------------------------|
| Mr. P. Sheldon 'A' | Proposed detached dwelling in garden and alterations to include demolition of garage and set forward extension, and erection of new integral side garage set back from principle elevation - Site at 5 Cambria Close, Majors Green, Solihull, B90 1DR | RES | 11/0665-SG 17.10.2011 |

Councillor M. A. Bullivant has requested that this application be considered by the Committee, rather than being determined under delegated powers

RECOMMENDATION that permission be **REFUSED**.

Consultations

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| WH | Consulted 30.08.2011; expired 13.09.2011 - no comments received. |
| Wythall PC | Consulted 30.08.2011; expired 20.09.2011 - <ol style="list-style-type: none"> 1. Overlooking aspect for properties in Rushleigh Road; 2. Distance between proposed property and existing properties in Rushleigh Road does not conform to the Supplementary Planning Guidance; 3. This is effectively back-land development and the opening up of secure rear garden which would adversely affect the properties in the immediate vicinity. |
| SPM | Consulted 30.08.2011; expired 13.09.11 - no comments received. |
| TO | Consulted 16.08.2011; expired 30.08.2011 - no comments received. |
| ENG | Consulted 30.08.2011; expired 13.09.2011 - As stated in the application, there are separate storm and foul systems available, both are initially private drains / sewers that eventually discharge to public sewers. On-site works need to respect existing systems and new connections need to be proved that storm goes to storm, etc. No flood risk assessment. |
| BW | Consulted 30.08.2011; expired 20.09.11 - no objections. |
| Publicity | Neighbour notification: 8 letters sent 30.08.2011; expired 20.09.2011. 12 objections received, summarised as follows:- <ul style="list-style-type: none"> ▪ Rebuilding of the garage will reduce the amount of light entering our dining room. ▪ The roof of house would need to be steeper than existing houses to accommodate space in roof - which is not in keeping with style of other houses. ▪ Intrusion / loss of privacy. ▪ Windows will provide significant viewing access to adjoining properties and gardens including bedrooms. ▪ No long term certainty with retaining the conifer trees. These can be removed at any time because they are not protected. ▪ The development will cause significant loss of light. ▪ Negative impact on the landscape of Cambria Close and surrounding roads. |

- Temporary nature of garden fence could allow future occupiers to increase car parking.
- Additional pollution from vehicle emissions, noise and lights, particularly at night.
- Negative parking implications on Cambria Close.
- Potential to set a precedent for back garden development in the area.
- Out of character and style with the rest of houses on the close, particularly its height.
- Building work will cause chaos, excess dirt, dust in the air and noise pollution.
- The development will contravene requirements of SPG1 in respect of distance separation - 21m arc window to window and 5m per storey where it adjoins a private garden. Also will breach parking arrangements.
- Outlook will be adversely affected.
- Devalue existing house prices.
- This area of land had been turned down for planning permission with the initial development Cambria Close back in 1966 due to lack of ground area.
- New property will leave our property vulnerable in terms of security and unauthorised access.
- Lights from cars coming and going to site from shared driveway will create light pollution.
- Entrance to house on side elevation will contribute to regular disturbances and assume lighting would be required on this side.
- Overbearing impact from kitchen window of no. 4 Cambria Close.
- Planned parking adjacent to the fence outside kitchen window of no. 4 would be 1m from kitchen window. Potential to cause health and safety issues with regards to fumes close to area of food preparation.
- Impact on different species of birds and wildlife that visit the garden.
- The proposal would not follow the pattern of development with houses being side - by -side and frontages facing out into the road.
- Form of no. 4 Cambria Close is shown incorrectly as the single storey extension is not showing.
- Use of current access point to front of no. 5 has potential to more than double.
- Concerns regarding safety of individuals and vehicles at top of driveway to no. 4 Cambria Close.
- Access of emergency vehicles will be restricted due to angle and width of entrance.
- Request for materials to match existing houses.
- Extensions added to adjoining properties are not shown on the location / site plan.
- The floor plans indicate that the ground floor and first floor bedrooms will be 2.45m wide and have an unusual layout which will compromise amenity and likely to result in future modification in the design of the proposed house.

- Future modifications likely for the dormers to allow for more headroom to satisfy building regulations.
- New dwelling will be 900mm higher than existing properties in the road. Will result in dominating effect of the new property within the existing street scene.
- The properties in Cambria Close are characterised by large areas of glazing which in the case of no. 5 and no.5 will to the front elevations. The new front elevation to the proposed house will be completely at odds with the fenestration character of the open facades of Cambria Close with small well spaced windows.
- No communal public space to the development has been provided.

The site and its surroundings

This application relates to the sub-division of the domestic curtilage of a detached dwelling, no. 5 Cambria Close in the north-west corner of the cul-de-sac, Cambria Close, Majors Green. Cambria Close is characterised by two storey semi-detached properties which face the highway and follow the layout of the highway. No. 5 represents the only detached dwelling in the close. No. 5 has a large garden to the side of the property which adjoins the rear garden of no. 4 Cambria Close and the rear gardens of 6 properties on Rushleigh Road. The site is located in a residential area.

Proposal

This proposal is for the construction of a detached two storey dwelling with integral garage located on the existing side garden to the north of the property at 5 Cambria Close. The proposal also includes demolition of the existing garage and set forward extension at no. 5 and erection of new attached side garage set back from the front elevation. It is understood that the proposal includes alterations to the existing house to provide provision for parking and a shared access.

The plans submitted show the creation of two adjacent plots measuring approximately 10.8m x 28m and 15m x 22.5m, with the new dwelling proposed for the slightly larger plot. The proposal seeks a 3 bedroom, three storey detached dwelling measuring 7.5m wide, 8.35m deep at ground floor and 6.5 at first and second floor, and a height of 7.7m. A shared driveway is proposed with the existing dwelling at no. 5 and car parking provision is proposed to the front of the new dwelling. Private amenity space is proposed to the rear of the house.

Relevant Policies

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| WMSS | QE3 |
| WCSP | CTC.1 |
| BDLP | DS13, S7, S8, TR11, ES4 |
| DCS2 | CP3 |
| Others | PPS1, PPG13, SPG1 |

Relevant Planning History

None.

Assessment

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 its effect on the amenity of adjoining occupiers and on the surrounding neighbourhood.
- (iii) Highway issues regarding parking and access.

In this respect policies S7, S8 and DS13 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

Principle of Development

The proposal is located within residential garden land and on land that is designated as residential within the Bromsgrove Local Development Plan. Members should note that garden land has been removed from the definition of 'previously developed land' set out at Annex B of PPS3, on which there was a presumption in favour of development. In light of these amendments it is now necessary to consider the principle of the development in this location.

It should be noted that the amendment to PPS3 does not mean that garden land may not be developed for housing, but it does give local planning authorities the opportunity to consider the feasibility of a site in strategic and contextual terms. In this case, the site is located within a built up area. There is a nearby local shopping area and a number of bus services running along nearby roads.

The requirement in PPS3 and other national policy documents to use land efficiently and effectively, and the national planning policy objective of increasing the housing supply is also noted.

Character, Density, Form and Layout

The comments received from third parties are noted.

Policy S8 of the Bromsgrove District Local Plan 2004 relates to plot sub-division and requires proposals for housing on sub-divided plots to be in keeping with the character, traditional pattern or amenity of the location.

Policy S7 of the Bromsgrove District Local Plan 2004 relates to new dwellings outside the Green Belt and requires developments to respect the character and layout of development in the area and be of a density appropriate to the area. The site area is 0.036Ha. This represents a density of 27 dwellings per hectare. I consider this density to be appropriate in the context of the surrounding area which, for the main part comprises of semi-detached dwellings on similar sized plots.

The pattern of development on Cambria Close consists of properties fronting the highway around the hammerhead of the close. The surrounding roads near to the application site including Rushleigh Road have houses which follow this arrangement. The row of 6 houses immediately south of the application site follow a cohesive building line with each of the properties fronting the highway and being set back by a similar distance of 8m. The ground floor front elevation of the proposed dwelling would be sited 4.4m behind the established building line and the upper floors would be sited a further 1.8m back. By virtue of its siting in the side garden of no. 5, I note that the proposed dwelling would front the side elevation and rear garden of no. 4 Cambria Close. In these respects, the proposal would fail to respect the layout of development established in the Close.

I have concerns regarding the positioning of the proposed house and the lateral space between no. 5. In view of the fact that the house would be positioned 1m from the side wall of no. 5; I consider the proposal would have a cramped effect in the street scene. I consider this cramped effect would be emphasised by the design of the nearest side wall which constitutes a large blank gable end with contrasting roof pitch than the surrounding houses. Furthermore, I recognise that a 2m gap between adjacent properties is established by the existing pattern of development.

Visual Amenity

There is a distinct uniformity between the housing styles on Cambria Close. The principle elevations front the highway and include the front and garage doors. Main windows are sited on the front and rear elevations with secondary windows to the side. The front elevations of the existing properties are also characterised with large expanses of glazing. The design of the proposed dwelling does not correspond with this character. The front elevation of the proposed house depicts a primarily blank façade with small openings that are well spaced. The front entrance and some main windows are positioned on the side elevation while the garage and secondary windows are on the front elevation. In this respect, the proposal depicts a contrived design in which the fenestration character is out of keeping with the street scene.

Having assessed the site contextually in relation to form and character, I consider the principle for a new house on this site to be unacceptable.

Residential Amenity

Policy S7 states that new housing must not adversely affect the existing amenities of adjoining occupiers. SPG1, Residential Design Guide, provides guidelines with regards to criteria that should be met in order to ensure acceptable implications of designs in terms of residential amenity.

In respect of privacy and the advice of paragraphs 8.0 - 8.4 of SPG1, the house has been designed so that all main windows on the first floor are sited on the side and rear elevations. To secure an acceptable level of privacy between the main rooms of the proposed house and neighbouring properties, SPG1 notes that a minimum separation of 21m is required to achieve a degree of privacy within two storey dwellings. To safeguard the privacy of existing residents adjoining new development, as a general guide new development with main windows overlooking existing private spaces should be set back

by a distance of 5m per storey from the site boundary where it adjoins a private garden area.

With regard to the proposed dwelling, I note that the first floor bedroom window on the side elevation would be approximately 8.3m from the side boundary which adjoins the rear gardens of 9 and 11 Rushleigh Road. The windows on the rear elevation would be a minimum distance of 9.6m from the rear boundary adjoining the private gardens of 33 and 35 Rushleigh Road. I consider the distance between the side elevation and adjoining gardens would fall short of the requirements of SPG1 and consequently cause undue overlooking. I consider the distance from the rear elevation to the rear garden boundary would be acceptable to safeguard overlooking for a two storey development; however the dormer windows in the roof slope provide a third floor where a distance of 15m is required. I do not consider there is enough space between the proposed dormer windows and the gardens of 33 and 35 Rushleigh Road to provide an acceptable level of privacy. In this respect I consider the proposal would adversely affect the amenities of adjoining occupiers. I do not attach weight to the presence of the conifer trees sited along the northern boundary for the purposes of safeguarding privacy in view of the fact that these are not protected and could be removed in the future without planning permission.

In terms of the window to window distance detailed in SPG1, I consider the main windows on the side and rear elevations would comply with the 21m separation distance between 2 storey dwellings and 27.5m distance for 3 storey living with those properties on Rushleigh Road.

Having carried out a site visit, I recognise that no. 4 Cambria Close has been extended with a single storey side extension containing the only window to serve the kitchen. The first floor windows on the side elevation of no. 4 serve secondary rooms. On the basis that the front elevation of the proposed dwelling adjacent to no.4 would be largely blank, I consider the advice provided at 8.7 of SPG1 to be relevant. This deals with the proximity of large blank walls adjacent to existing building in order to prevent overshadowing and a visually intimidating effect. This states that as a general guide [there should be] a minimum distance of 12.5 metres for two storey conventional houses. I note that there would be a distance of 10.5m (approx) between the largely blank front elevation of the dwelling and the adjacent kitchen and office window of no.4. In respect of this distance I consider the proposal would have a visually intimidating effect from no. 4.

The set back positioning of the proposed house and its proximity with the existing dwelling at no. 5 would result in a loss of light to no. 5 Cambria Close. The proposal would breach the 45 degree code with the nearest windows on the rear elevation of the existing house and significantly impede on light into the side windows. The ground floor window on the side elevation of no. 5 would appear to serve a main room. With regards to the positioning of the set back garage for no. 5, I recognise that this may breach the 45 degree code with no. 7 Cambria Close. On the basis that the garage would be single storey I do not consider this aspect of the proposal would significantly harm the amenities of the occupiers at no. 7.

On a related matter I have concerns regarding the proximity of the proposed parking area adjacent to the ground floor side windows of no. 4. Nonetheless, I do not consider this part of the proposal would warrant refusal of the application on this basis.

I note that the size of the private amenity accords with the guidance as set out in SPG1.

On balance of the above I consider the proposal would adversely affect the amenities of adjoining occupiers contrary to criterion (e) of policy S7.

Trees

The site is mainly lawned with a number of conifers along the northern boundary adjoining the gardens of numbers 9, 11 and 15 Rushleigh Road. Whilst the views of the Tree Officer have not been received, I do not consider these trees to be worthy of protection from an ecological perspective.

Highways

No comments received as yet.

Services

The Drainage Engineer has been consulted and is satisfied that the dwelling could be adequately serviced with the imposition of planning conditions.

Conclusion

The siting of the proposed development would be incongruous with the existing pattern of development in Cambria Close by virtue its set back position and outlook towards a neighbouring property rather than fronting the highway. The proximity of main windows facing private amenity space would be substandard to maintain an acceptable level of privacy. The front elevation would have a visually intimidating effect on the occupiers of 4 Cambria Close. The design of the development would fail to respect the scale and character of existing dwellings in Cambria Close. As such, the proposal would be contrary to policy CTC.1 of the Worcester County Structure Plan, policies S7 and S8 of the Bromsgrove District Local Plan, the District Council's Residential Design Guide SPG11, and National Planning Policy Statement 3: Housing.

RECOMMENDATION: that permission be **REFUSED**.

1. The siting of the proposed development would be set back from the established building line and have an outlook towards the side elevation of a neighbouring property, which would be incongruous with the existing pattern of development. This would adversely affect the appearance and character of the locality contrary to policies DS13, S7 and S8 of the Bromsgrove District Local Plan, policy CTC.1 of the Worcestershire County Structure Plan 2001, Supplementary Planning Guidance Note 1: Residential Design Guide and the principles of good design advocated in Planning Policy Statements 1 and 3.
2. The proximity of the proposed dwelling to the neighbouring properties would create significant issues of overlooking and impinge on the privacy of adjoining occupiers. The proposal would therefore be detrimental to the amenities of adjoining occupiers contrary to the provisions of Supplementary Planning Guidance Note 1: Residential Design Guide and policies DS13 and S7 of the Bromsgrove District Local Plan.

3. The proximity of the front elevation which constitutes a primarily blank wall would provide a visually intimidating effect on the occupiers of 4 Cambria Close, which would be detrimental to their amenities contrary to the provisions of Supplementary Planning Guidance Note 1: Residential Design Guide and policies DS13 and S7 of the Bromsgrove District Local Plan.
4. By virtue of its siting and design, I consider the proposed development fails to respect the character and appearance of existing dwellings in Cambria Close contrary to policies S7 and DS13 of the Bromsgrove District Local Plan and the guidance contained in PPS1 and PPS3.