

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Roger Hall	Erection of 1 three-bed dwelling house.  Land Adjoining 171 Salwarpe Road , Charford, Bromsgrove, B60 3HT,	09.10.2018	18/01036/FUL

**Councillor Shannon has requested that this application is considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Refused**

### **Consultations**

#### **Highways - Bromsgrove** Consulted 09.10.2018

No objection subject to conditions relating to access and visibility splays, turning and parking, provision of cycle parking and an electric vehicle charging point.

#### **Drainage Engineers Internal Planning Consultation** Consulted 09.10.2018

No objections

#### **Arboricultural Officer** Consulted 09.10.2018

No objections

### **Public notifications**

One site notice was posted 25.10.2018 and expired 18.11.2018

Ten neighbour letters were sent 09.10.2018 and expired 02.11.2018

Three representations have been received in objection to the proposal, raising the following issues:

- Design
- Impact on amenity
- Highways
- Ecology
- Noise during construction
- Inaccuracy of plans
- Setting a precedent for future development
- Anti-social behaviour on land
- Legal matters relating to shared easements

One representation has been received in support of the proposal.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design  
BDP21 Natural Environment

### **Others**

NPPF National Planning Policy Framework (2018)

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

### **Relevant Planning History**

17/01430/FUL	Erection of 1 three-bed dwelling house.	Refused	02.02.2018
14/0143	Proposed extension and conversion of existing residential property to form 5 No. apartments with ancillary parking and landscaping.	Refused	15.08.2014

### **Assessment of Proposal**

The application site is located within the Charford, which lies within a residential area of Bromsgrove, as defined on the Bromsgrove District Plan Proposals Map. The proposal is for a three bedroom dwelling, which would be situated between 169 and 171 Salwarpe Road, and would incorporate part of the former rear garden area of 61 Humphrey Avenue.

The main issues to consider with this application are the principle of development, design, residential amenity, highways, landscaping and ecology.

### **Principle of development**

Policy BDP19(n) of the Bromsgrove District Plan states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the environment. This policy accords with paragraph 70 of the recently published National Planning Policy Framework (NPPF 2018). In addition to this, Policy BDP7 of the District Plan seeks to achieve the best use of land whilst maintaining character and local distinctiveness, and paragraph 122(d) of the NPPF 2018 emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens). Other key policies in the District Plan include BDP1(e) which states that regard should be had to residential amenity.

The Council cannot currently demonstrate a 5 year supply of housing land. Paragraph 11 of the NPPF 2018 states that where policies that are most important for determining the application are out-of-date, planning permission should be granted. Footnote 7 clarifies that this applies to applications involving the provision of housing in situations where the local authority cannot demonstrate a five year supply of housing. In this case, relevant policies BDP1, BDP7 and BDP19 are in accordance with the policies contained within the new version of the NPPF, and thus are not considered out of date. These policies are therefore afforded substantial weight.

Although there is a general presumption in favour of residential development in urban areas, it is necessary to assess the proposal against the relevant District Plan policies described above, as well those within the National Planning Policy Framework (NPPF), and the guidance contained within The Residential Design Guide (SPG1).

### **Character, Density, Form and Layout**

The area is characterised by traditional two storey dwellings which are a mixture of terraced and semi-detached properties. The pattern of development is very uniform, comprising a pair of semi-detached properties, followed by a gable ended block of four terraces in repetition. The majority of properties in the area have lengthy rear gardens. There is a consistent building line set back from the road providing space for properties to have front gardens and off road parking. Corner plots generally contain a pair of semi-detached dwellings with spacious verdant open areas to the front and side. The prevailing density in the area is approximately 28 dwellings per hectare.

The application seeks to utilise an area of garden land from both 171 Salwarpe Road and 61 Humphrey Avenue to create a single detached dwelling fronting on to Salwarpe Road. The dwelling extends approximately 1.5m forward of the established building line and would visibly reduce the spaciousness and visual openness currently experienced around the corner plot of No. 171. The visual appearance of openness would be further eroded by the need for 1.8m high fencing adjacent to Salwarpe Road to create a private garden of sufficient size for No. 171. This sense of enclosure is not observed on other corner plots in the area which remain open. The existing houses along the length of Salwarpe Road conform to a strong building line on both sides of the road and therefore the siting of the proposed dwelling would appear at odds to this. Further to this, the addition of a third dwelling within the original curtilage of No.'s 171 Salwarpe Road and 61 Humphrey Avenue would result in an increased density of 37 dwellings per hectare. This is substantially higher than surrounding properties and evident due to the resultant substantially smaller gardens of the application site, No. 171 Salwarpe Road and No. 61 Humphrey Avenue.

As well as the loss of openness and density concerns, the single detached dwelling would be at odds with the consistent pattern of terraced and semi-detached dwellings in the vicinity and consequently, would appear as cramped. By reason of its siting, design and density the proposed development would not integrate into the area and therefore, the loss of garden land should be resisted. The proposal would fail to provide a local enhancement but would instead materially harm the character and appearance of the area. For these reasons the proposal would be contrary to policies BDP7 and BDP19 of the District Plan and SPG1.

### **Residential Amenity**

Other key policies in the District Plan include BDP1(e) which states that regard should be had to residential amenity. SPG 1 provides standards for separation distances between dwellings in order to protect residential amenity.

The dwellings in closest proximity to the application site are no. 171 Salwarpe Road to the south of the application site and no. 169 to the north of the application site. The rear elevation of No.171 Salwarpe Road contains two ground floor windows that serve an open plan kitchen and breakfast area. These windows are just 8.2m from the side elevation of the proposed 2 storey dwelling which would be 7m high. This falls short of

the separation distance of 12.5m required between windowed elevations and opposing flank walls, which is set out within SPG1. This close relationship would appear overbearing when viewed from this habitable room of No. 171 and would potentially cause a loss of light and outlook. Whilst a third window serves this room on the front elevation it is considered that this one unaffected window is not sufficient to overcome the harm to the rear aspect of the property.

No. 169 Salwarpe Road has an open plan kitchen and living room area on the side of their property closest to the application site. This large room is served by 3 windows, which are spread across the front, side and rear elevations. The blank side elevation of the proposed dwelling is within 4.4m of the side elevation of No. 169 and the proposed dwelling would also be sited on land that is 0.8m higher. This close relationship would result in a loss of sunlight received through this south facing window and undoubtedly the proposal would appear overbearing when viewed from this habitable room. Whilst there are windows on the front and rear serving this room it is considered that due to the south facing window being impacted the level of harm would still be significant on the occupiers of this property.

It is also necessary to consider the amenity of the future occupiers of the proposed dwelling. The proposed dwelling would be a reasonably sized three bedroom property, with all habitable rooms receiving sufficient natural light. The proposed rear garden would exceed the minimum standards of SPG1 in terms of both garden length and area. The living conditions of the future occupiers would therefore be acceptable.

In conclusion, although the amenity levels experienced by the future occupiers would be satisfactory, the proposal would have a detrimental impact on the living conditions of the occupiers of adjacent property no.'s 171 and 169 Salwarpe Road, contrary to Policy BDP1 of the Bromsgrove District Plan and the guidance contained within SPG1.

### **Access and parking**

The scheme provides a total of 2 parking spaces which would be accessed off Salwarpe Road and would require the installation of a dropped kerb. This level of provision accords with the County Council's parking standards and therefore should not lead to any additional on street parking. The County Highways Officer raises no concerns to the development subject to a number of recommended planning conditions. The proposal therefore meets the requirements of Policy BDP16 of the BDP.

### **Landscaping and Trees**

The proposal will require the some sections of a hedgerow to be removed and a laburnum tree. The Council's Tree Officer considers that these features are of limited amenity value and consequently raises no objection to their removal. The proposal therefore accords with Policy BD19 and BDP21 of the BDP.

### **Ecology**

No ecological appraisal has been submitted with the application, however the dwelling would be constructed on an area where there is a substantial amount of hardstanding, and the characteristics of the site mean that a request for a survey would not be reasonable. Notwithstanding this, the applicants would be required under separate legislation to ensure that there was no harm to protected species such as bats. Although areas of hedgerow would be removed as part of the proposal, as long as this occurred

outside of the bird nesting season, no significant concerns should arise. The proposal therefore raises no ecological concerns in accordance with Policy BDP21 of the BDP.

### **Conclusion**

Paragraph 7 of the NPPF (2018) defines the purpose of the planning system is to contribute to sustainable development, and Paragraph 8 describes the 3 overarching objectives to be economic, social and environmental objectives. Having regard to these and the relevant planning merits considered in the above report, a balancing exercise will be undertaken to assess whether the current proposal achieves sustainable development.

In relation to the economic objective the development would provide some limited benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials. With reference to the social objective the proposal would make a limited contribution towards the supply of housing in the locality and provide a new dwelling in a location defined as being appropriate for residential development. In terms of environmental considerations the proposal would significantly harm the character of the local area and materially impact upon the living conditions of an adjoining occupier. On balance it is considered that the substantial adverse impacts arising to the environmental objective would clearly outweigh the limited social and economic benefits of the proposal. The proposal is therefore considered to represent an unsustainable form of development that would be contrary to the policies contained within the District Plan and the Framework, and the guidance contained within SPG1.

### **Neighbour objections**

Three letter of objection has been received in relation to the proposal raising the following concerns:-

**The proposed dwelling would be out of keeping, cramped, and would harm the character and appearance of the area.** These design matters have been addressed within the report.

**Loss of privacy to garden area of 171 Salwarpe Road.** As the only first floor windows proposed on the side elevation are would serve bathrooms, they would likely be fitted with obscure glazing. In any event, a planning condition could ensure this.

**Loss of privacy to number 124 Salwarpe Road, opposite the application site.** However the distance between the front windows of the proposed dwelling and number 124 would be approximately 23 metres, which would exceed the standard of 21 metres contained in SPG1, and thus would preserve satisfactory privacy.

**Loss of outlook, overshadowing, and an overbearing impact to neighbouring properties.** These matters have been considered within the report, having regard to the separation standards set out in SPG1.

**Highways matters including traffic congestion, parking and the safety of motorists and pedestrians.** The scheme has been considered by County Highways and has been deemed not to raise highway concerns. Notwithstanding this, it is noted that paragraph 109 of the NPPF states that a proposal should only be refused on highway grounds if the impacts are severe.

**There is no dropped kerb to access the parking area.** The site is located off an unclassified road where a dropped kerb can be installed without the requirement of planning permission.

**Noise and disturbance caused during the construction phase.** However, this disturbance is only temporary and therefore the level of harm arising is unlikely to be substantial. A level of disturbance would arise in the case of any development.

**Incorrect "north point" on plans.** These reflect ordnance survey records and therefore there are no concerns in relation to this.

**Ecology impacts.** This has been considered within the report. The applicants would be required to ensure that there was no harm to protected species such as bats. The protection of bats is covered under separate legislation.

**Tree Assessment relates to previous application.** The differences between the previous application and the current proposal would not result in a different impact to the trees on the site. The comments therefore remain valid.

**Development would set a precedent.** Any future planning application would need to be considered on its own merits.

Further concerns were raised regarding the shared nature of quasi-easements that would need to be mutually agreed with future occupiers, and also that the empty land is attracting anti-social behaviour. However these are considered to be civil matters rather than planning considerations.

**RECOMMENDATION:** That planning permission be **Refused**

### **Reasons for Refusal**

1. By reason of its siting, density and design the proposed detached dwellings would be at odds with the uniform pattern of development and the open, spacious character of this residential area. The proposed development would therefore be contrary to policy BDP19 of the Bromsgrove District Plan, the guidance within SPG1 and the NPPF.
2. By reason of its siting and scale the proposed development would appear overbearing and would cause a loss of light to habitable windows of both adjacent dwellings, causing substantial harm to the amenity levels experienced by the occupiers, contrary to Policy BDP1 of the Bromsgrove District Plan, the guidance with SPG1 and the NPPF.

**Case Officer:** Charlotte Wood Tel: 01527 64252 Ext 3412  
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk