

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Jamie Leavesley	Detached 2 bed house 1/1A Maund Close, Bromsgrove, Worcestershire, B60 3JU	25.01.2022	21/01700/FUL

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

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

Consultations

WCC Highways

Objection

The relocated parking spaces are deemed unacceptable due to highways safety. The application fails to accord with the adopted policy and the consequences of this will result in an unacceptable impact on the highway network, which is contrary to paragraph 110, 112 of the NPPF.

North Worcestershire Water Management

No objection subject to conditions relating to:

- Drainage Scheme

Public notifications

Four neighbour letters were sent 07.12.2021 and expired 31.12.2021.

Four re-consultation letters sent 19.01.2022 and expired 29.01.2022.

Two representations received in objection to the proposal, raising the following issues, which are summarised as follows:

- Parking is already an issue. This proposal will make the situation worse
- Loss of outlook
- Loss of light including sunlight to garden and to the front of house

Cllr Thompson

I have seen the site for the proposed house. Housing - or lack of - is a nationwide problem and one that particularly affects Bromsgrove. I think, in this space, the developers have made a reasonable proposal that would be a welcome property.

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 (2021)
NPPG National Planning Practice Guidance
Bromsgrove High Quality Design SPD

Relevant Planning History

B/2002/0851	Conversion of existing 3-bed house into 2 no 1-bedroom flats.	Approved	04.09.2002
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Assessment of Proposal

The application site is located within Charford, which lies within a residential area of Bromsgrove, as defined on the Bromsgrove District Plan Proposals Map. The proposal is for a detached 2 bed house which would be situated in the rear garden of 1/1A Maund Close.

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

Principle of Development

The application site is located within the Residential Area and within the garden of 1/1A Maund Close. Policy BDP2 (Settlement Hierarchy) states that delivery of housing will be met by four main facets, to include: development on previously developed land or buildings within existing settlement boundaries which are not Green Belt.

The National Planning Policy Framework 2021 (NPPF, 2021) excludes land in built-up areas such as residential gardens from the definition of previously developed land. The site is therefore not previously developed land.

Policy BDP19(n) (High Quality Design) 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. In addition to this, Policy BDP7 (Housing Mix and Density) seeks to achieve the best use of land whilst maintaining character and local distinctiveness, and paragraph 124(d) of the NPPF 2021 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) (Sustainable Development Principles) which states that regard should be had to residential amenity.

The Council cannot currently demonstrate a 5-year housing land supply. Paragraph 11 of the NPPF 2021 states that where policies that are most important for determining the application are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Footnote 8 clarifies that this includes 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 BDP2 (Settlement Hierarchy), BDP7 (Housing Mix and Density) and

BDP19 (High Quality Design) are in accordance with the policies contained within the NPPF, and thus these policies are afforded substantial weight.

Although there is a general presumption in favour of residential development in the Residential Area, this proposal is for garden land which is not previously developed land and policies require further assessment in respect of character, setting and residential amenity. It is necessary therefore, to assess the proposal against the relevant District Plan policies described above, as well those within the NPPF 2021, and the guidance contained within Bromsgrove's High Quality Design SPD.

Character, Density, Form and Layout

The area is characterised by traditional two storey dwellings which are predominantly semi-detached properties and some which are terraced. 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 application seeks to utilise an area of garden land to the rear of 1/1A Maund Close to create a single detached two-bedroom dwelling fronting onto Maund Close. The proposed dwelling footprint would be 6.5m wide by 6m deep. The proposed dwelling would extend approximately 5.5m forward of No.3 Maund Close and would visibly reduce the spaciousness and visual openness currently experienced around the corner plot of No. 1/1A Maund Close. The proposed dwelling would be 0.5m from the northern boundary with No.3 with a total distance of approximately 3.8m to the flank wall of No.3. The proposed dwelling would be approximately 4.3m from the boundary with 1/1A with a total separation of 6.3m from the rear elevation of 1/1A Maund Close. The rear garden distance would be approximately 3.6m providing a total garden area of approximately 66m². The remaining garden area for 1/1A Maund Close would be approximately 2m wide and approximately 9m long, although it is not known how/if this is subdivided for each flat.

The single detached dwelling is considered to be at odds with the consistent pattern of terraced and semi-detached dwellings in the vicinity by reason of its form and siting. The space available for a new dwelling in the rear garden of 1/1A is limited in area. Consequently, the proposal would appear as cramped and contrived and an overdevelopment. Therefore, the proposed development would not integrate into the area and it is considered that the loss of garden land should be resisted. The proposal would fail to provide a local enhancement and would instead materially harm the character and appearance of the area. For these reasons the proposal would be contrary to policies BDP7 (Housing Mix and Density) and BDP19 (High Quality Design) of the District Plan and Bromsgrove's High Quality Design SPD.

Residential Amenity

Other key policies in the District Plan include BDP1(e) (Sustainable Development Principles) which states that regard should be had to residential amenity. Bromsgrove's High Quality Design SPD provides standards for separation distances between dwellings in order to protect residential amenity. Figure 5 of the SPD sets out that a separation of 12.5m should be maintained between a "window wall" and a "flank wall". A total separation distance of 6.3m is proposed from the flank wall of the proposed dwelling to the window wall of 1/1A Maund Close. Due to this close proximity, the proposed dwelling

is likely to be overbearing on the existing dwelling at 1/1A Maund Close. Furthermore, this close proximity will result in overlooking into the private amenity of the proposed garden area from 1/1A Maund Close.

The SPD provides standards for private amenity at 4.2.29 of the document. 70sqm is required as a minimum area and 10.5m is a minimum garden length. The proposed development does not meet either requirement although only marginally falls under the total area requirement at approximately 66m². The garden area for 1/1A is significantly diminished at approximately 2m wide and approximately 18m² in area.

One objection from No.3 Maund Close was received raising concerns with respect to loss of light, outlook and parking availability. Members will also note the views of Councillor Thompson. The proposed dwelling would extend approximately 5.5m forward of No.3 Maund Close and would visibly reduce the spaciousness and visual openness currently experienced around the corner plot of No. 1/1A Maund Close. The proposed dwelling would be 0.5m from the northern boundary with No.3 with a total distance of approximately 3.8m to the flank wall of No.3. The proposed development does comply with the 45degree line guidance as set out in the Bromsgrove High Quality Design SPD. There would be some loss of outlook from No.3 Maund Close as a result of the proposed development. No Daylight/Sunlight Assessment has been completed but owing to the sun path it is considered that there will be some loss of light to No.3 Maud Close from the proposed development. That said, the loss of light which would occur is not considered to be material in this case.

The proposed development would fail to meet residential design standards for private amenity for both proposed and existing residents and would result in overlooking, loss of outlook, and overbearance to the detriment of both existing and future residents and would be contrary to policies BDP1(e) (Sustainable Development Principles) and the Bromsgrove High Quality Design SPD.

Highways

BDP16 (Sustainable Transport) requires developments to comply with Worcestershire County Council's Transport Policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network.

The Highway Authority do not have an objection to the principle of development but do however object to the relocated parking spaces due to the increase of potential for road user conflicts. The proposed re-located car parking spaces are approximately 10m from the junction which is unacceptable in the interests of pedestrian and vehicular safety. There is also insufficient clear space for the car parking spaces closest to Bishops Hall Crescent, which is unacceptable.

The application is thus contrary to Policy BDP16 (Sustainable Transport) the NPPF paragraphs 110 and 112 and the Streetscape Design Guide.

In addition to the above, the proposed relocated parking area would result in some loss of an open front garden area which would affect the character and local distinctiveness of the area and contrary to policy BDP7 (Housing Mix and Density).

Conclusion

The proposed development by reason of its location, siting, form and design would result in an overdevelopment that would materially affect the local character and quality of the environment as well as residential amenity of both future and existing residents.

Furthermore, the proposed relocated parking area would give rise to highways safety concerns.

The proposed development does not accord with the Development Plan and there are no material considerations to indicate that permission should be granted.

RECOMMENDATION: That planning permission be **Refused**

- 1** By reason of its location within garden land and its form, siting, and design, the proposed detached dwelling 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 BDP2 and BDP19 of the Bromsgrove District Plan, the Bromsgrove High Quality Design SPD and the NPPF.
- 2** By reason of its siting and scale the proposed development would appear overbearing and would have a detrimental impact on outlook from the habitable windows of adjacent dwellings, causing substantial harm to the amenity levels experienced by the occupiers of these dwellings, contrary to Policy BDP1 of the Bromsgrove District Plan, the Bromsgrove High Quality Design SPD and the NPPF.
- 3** By reason of the proposed parking strategy there is an increased potential for road user conflicts causing detriment to highway safety contrary to Policy BDP16 of the Bromsgrove District Plan, the Worcestershire County Council Highways Streetscape Design Guide and the NPPF.

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