

Item No: 3

Reference: B/09/00801/FUL

Parish: LEAVENHEATH

Location: Kilbirnie, 27 Edies Lane

Proposal: Erection of 2 no. dwellings and associated garages (following demolition of existing dwelling).

Applicant: CPR Construction Ltd

Case Officer: Lynda Bacon

Date for Determination: 15 September 2009

This application is reported to Committee as representations have been received and at variance to the recommendation of officers and the scheme is of a scale which involves 2 dwellings. In addition, part of the application site lies outside the Built Up Area boundary of the village.

THE SITE

1. The application site is a rectangular parcel of land located towards the end of Edies Lane and is for the most part, located within the built up area boundary for the village. The site is 30m wide, 39m deep and measures 0.126ha in area and is occupied by a 1950's detached bungalow.
2. Edies Lane is a no-through road, which is unmade and of single carriageway width at its south eastern end. Edies Lane is characterised by frontage development and primarily consists of detached 1950's - 1960's bungalows, some with accommodation within the roof space, although Tynwald, opposite the site, is a two-storey dwelling.
3. To the east of the application site is 'Carters Corner', a recently constructed bungalow that is situated towards the rear of its plot and which formerly comprised part of the side garden of Kilbirnie.

THE PROPOSAL

4. Planning permission is sought for the erection of two individual detached, 'L' shaped, chalet-style dwellings with associated garaging, following the demolition of the existing bungalow.
5. Plot 1 is located to the western side of the application site and comprises a 4 bed dwelling (3 bedrooms are within the roof space), with a single dormer window on the front and rear elevations. The dwelling measures 10.2m wide, 6.5m deep (extending to 10.8m excluding the conservatory) and is 6.7m high to the ridge.
6. Plot 2 is a 3 bedroom dwelling (all 3 bedrooms are within the roof space) located to the eastern side of the application site, measures 8.1m wide, 6.5m deep (extending to 11.8m excluding the conservatory) and is 6.7m high to the ridge. Two dormer windows are proposed within the front elevation with one dormer at the rear.
7. Both properties will be constructed in a timber frame and finished externally in render above a brick plinth, under a pantiled roof with artificial slate to the front veranda of plot 1.

RELEVANT HISTORY

On land adjacent to and rear of Kilbirnie

8. 2009 – Erection of two dwellings and associated garages (following demolition of existing dwelling) was withdrawn prior to determination.
9. 2006 – Planning permission granted at Development Committee for the erection of a detached bungalow with attached annexe (amended scheme to that approved under planning permission B/05/00475/FUL) – B/06/01188/FUL. This permission has been implemented and the bungalow is now known and occupied as ‘Carters Corner’, 29 Edies Lane.
10. 2005 – Planning permission granted for the erection of a detached bungalow with attached garage and construction of new vehicular access - B/05/00475/FUL.
11. 2004 – Outline planning permission granted for the erection of a detached dwelling, garage and construction of vehicular access - B/04/00140/OUT.

NATIONAL GUIDANCE

12. **PPS1** (Delivering Sustainable Development)
13. **PPS3** (Housing)

PLANNING POLICIES

14. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan – 2008

- **SS16** (Quality in the Built Environment)
- **ENV7** (Quality in the Built Environment)

Babergh Local Plan (Alteration No.2) 2006

- **LP01** (Planning Obligations)
- **HS02** (Villages)
- **HS03** (Non/Sustainable villages)
- **HS04** (Countryside and housing)
- **HS27** (Density and House Type)
- **HS28** (Criteria for Infilling and Groups)
- **HS32** (Public Open Space)
- **CR01** (Development in the countryside)
- **CN01** (Design Standards)
- **TP15** (Parking and New Developments)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

15. PC - Objects to the application due to:

- The unmade and unadopted road being unsuitable for further traffic levels,
 - The overbearing nature of the proposal,
 - Inadequate parking and access for servicing vehicles.
16. Furthermore, the Parish Council advises that residents are concerned that the existing dwelling, proposed for demolition, has asbestos roof tiles.
17. LHA - Recommend the imposition of 6 standard planning conditions in respect of the access layout, visibility, surface water drainage and the provision and retention of the parking/manoeuvring areas.
18. SCC Fire and Rescue Service – provides advisory comments for the applicant in respect of access, fire fighting facilities and water supplies.

REPRESENTATIONS

19. To date 8 letters have been received from nearby residents, 7 of which are objecting to the proposal. The issues raised are summarised as follows;
- Property on the opposite side of the road is single storey and at a lower level, the development will therefore result in a loss of privacy in front rooms caused by overlooking. The driveway of the development will be opposite bedrooms and car lights will be disturbing during hours of darkness.
 - Increased risk of vehicular collisions as the proposed driveway will be between the existing driveways of the property opposite.
 - The impact of the construction phase on disabling health conditions suffered by neighbours opposite.
 - This is an unmade, private road and heavy vehicles would cause the condition of the road to deteriorate further and are likely to obstruct the single-lane road, causing inconvenience.
 - The increased usage of the properties would disturb existing 'noise sensitive' residents.
 - This is a quiet no-through road and the plot has already been divided and developed once. The application will result in three substantially larger chalet bungalows where once there was one small bungalow. The existing balance of a very pleasant country lane would be upset.
 - There would be more support for the proposal if it were for disabled occupants or for a growing family but this is a commercial venture.
 - The development could be used for commercial purposes such as Bed & Breakfast or 'buy to let'.
 - There is nothing structurally unsound with the property, which could be sympathetically modernised or replaced with one new single storey dwelling in its place.
 - Existing detached dwellings all enjoy substantial plots and the proposal is clearly not in keeping.
 - The roof height of the proposal is in excess of 6m and the gable windows will overlook the new property at no.29 Edies Lane.
 - The existing property has an asbestos roof and demolition should be closely monitored.
 - This is an over-development, out of keeping with adjacent bungalows and would present those opposite with an overbearing view.
 - The existing water supply is provided by a small asbestos pipe and any increased demand for water because of the development could prejudice the supply for existing properties.
 - The lane is subject to flooding and any run-off from the proposal would worsen the situation.

- Disregard for the village envelope again with more building for profit.
- The road is a single track, which is a pot-holed dust bowl in the summer and a water filled mud hole in the winter, Along with a new development at 36 Edies Lane any extra construction traffic will reduce it to a mess and repairs to the existing road should be carried out by any developer.
- The development will dominate the existing bungalow to the east, cast a shadow and spoil their aspect.
- A condition should be imposed to prevent the insertion of additional windows at first floor level to protect neighbouring amenity.
- The bedroom windows in the rear elevation of plot 1 will overlook private areas at no.25 Edies Lane; requests that the rear facing dormer window to bed 3 be omitted from the proposal.
- Not objecting to two properties but wish to see a condition imposed to prevent future enlargement to prevent over development of the site.

PLANNING CONSIDERATIONS

Principle of Development

20. Policy HS02 states that new housing development in non-sustainable villages (Leavenheath is classed as such under the terms of Policy HS03) will take the form of infilling (up to 3 no. dwellings) within the built up area boundary providing (inter alia) there is no significant adverse impact on the scale and character of the village; residential amenity; landscape character and highway safety. Policy HS04 emphasises that new housing will be integrated into the defined areas of towns and villages. Under the terms of Policies HS28 infilling will be refused where, amongst other things, the site should remain undeveloped as an important visual feature; the proposal will represent overdevelopment of the site or where the layout and design is considered out of keeping with adjacent development.
21. A substantial part of the application site lies within the built up area of Leavenheath, situated between existing residential properties on either side. As such, there can be no fundamental objection in principle to the redevelopment of the site. In addition, PPS3 promotes designs and layouts which make efficient and effective use of previously developed land. However, the application must also be assessed on the suitability and siting of the dwellings proposed, having regard to the site and its setting.

Design and Impact on Character

22. Policy CN01 requires all new development to be of an appropriate scale, form, design and finish. Policy ENV7 of the EEP states that all new development should be of high quality and based on a robust site appraisal. PPS3 in Paragraph 10 states that planning authorities should deliver well designed high quality housing; this is echoed in PPS1 which places emphasis on design, stating that development which fails to improve the quality and character of the area should not be supported.
23. The immediate locality is characterised by individual detached properties, primarily bungalows, some with accommodation within the roof space. Tynwald, opposite the site, is a two-storey dwelling and the site to the east of Tynwald has planning permission for the erection of a 1 ½ storey dwelling (B/06/00911/FUL refers). The provision of two detached chalet style properties is not therefore out of character with the prevailing style and pattern of development.
24. Application B/09/00434/FUL proposed a similar form and layout of development and was withdrawn from consideration in July of this year, in order to negotiate amendments to the proposed design. In comparison, the scheme under current consideration now includes a lower ridge and eaves height to Plot 2 by some 1.3m, a

side facing dormer window has been omitted and the conservatory has been reduced in size. In addition, the side ridge to Plot 1 has been lowered and the size of the front dormer has been reduced. The overall effect of the revisions has been to lessen the visual dominance of the development within the street scene and the resulting impact on neighbours, by reducing its height and bulk. Furthermore, the dwellings now have the appearance of chalet style properties as opposed to more sizeable two-storey dwellings.

Impact on Neighbouring Amenity

25. Residents have raised concerns regarding the potential for noise, disturbance and inconvenience caused during the construction phase of the development, however these are issues that are covered by other legislation, outside of the scope of planning control.
26. The proposal includes the provision of first floor windows in the front and rear elevations of both dwellings. Two first floor windows are proposed in each front elevation and given that these windows will afford views across the highway towards the frontages of properties opposite, it is considered that the privacy of properties opposite is not affected to a significant degree. With regard to the provision of two first floor windows (both bedrooms) in each rear elevation it is further considered that existing planting together with the distances to side boundaries and the staggered arrangements of the windows on both plots will serve to minimise the potential for the development to overlook the private rear gardens of neighbouring property. Notwithstanding the above, the applicant has been asked to omit the rear facing dormer to bed 3 at plot 1 or replace it with a higher level roof light, and Members will be updated verbally at the meeting in respect of this request.
27. With regard to the potential for the development to over-shadow neighbouring property and to affect the aspect or view of neighbours, officers have concluded that the proposal is sufficiently distant from its neighbours for loss of light/over-shadowing not to be a significant issue. Moreover, Members will be aware that the continued enjoyment of an existing view is not a material planning consideration.

Parking Provision and Highway Implications

28. Parking for in excess of two cars per dwelling is proposed along with space to manoeuvre vehicles on site, in order to leave in forward gear. The Local Highway Authority has raised no objections to the development subject to a number of conditions, including conditions to secure satisfactory surface water drainage and visibility. Furthermore, the County Fire and Rescue Service have reviewed the proposals and have offered advisory comments for the applicant to take into account.
29. Concern has been expressed by nearby households regarding the impact of vehicles on the road surface along the unmade section of Edies Lane and reference has been made to the occasions when the roadway may become blocked by construction or delivery vehicles associated with the development. Edies Lane is however, a private road adjacent to the application site and as such it is likely that each property is responsible for its maintenance and it will therefore be a private legal matter between interested parties to ensure that damage resulting from the development is repaired by the developer.

Planning Obligations

30. Policy HS32 of the adopted Local Plan requires all applications proposing new dwellings to make provision for public open space. This is either in the form of on-site provision (minimum of 10% of the application site area) or off-site provision in

the form of a commuted payment. In this case, a commuted sum payment would be considered appropriate if the development was to be granted planning permission and the applicant has submitted a draft S106 agreement with the application that remains to be completed.

REASONS FOR APPROVAL

31. The proposed development involves the erection of 2 no. chalet style dwellings, associated garaging and new vehicular access, following the demolition of the existing dwelling. Whilst the proposal technically infringes elements of planning policy in respect of the built up area boundary, it is considered that the development generally accords with the aims and provisions of PPG3 and Policies LP01, HS02, HS04, HS28, HS32, CR01, CN01 and TP15 of the Babergh Local Plan Alteration No.2 (2006) and will not result in any material impact upon any interest of acknowledged importance. In particular, the proposed development is not considered to result in any significant adverse impact upon the character of the area or reduce the amenities enjoyed by occupants of neighbouring property to an unacceptable degree. Furthermore, the development is considered acceptable in terms of highway safety and convenience.

RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
- Financial contributions towards Public Open Space
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
- Standard time limit
 - As per LHA requirements
 - Materials
 - Levels
 - Landscaping
 - Removal of permitted development rights for extensions
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- Failure to provide financial contribution towards Public Open Space