

F/YR12/0321/F

27 April 2012

Applicant : Mr D Edson  
Dene Homes Ltd

Agent : Mr N Lowe  
Peter Humphrey Associates Ltd

Land East of 135, Elm Low Road, Wisbech, Cambridgeshire

Erection of a single-storey 2-bed dwelling involving demolition of existing shed

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This proposal is before the Planning Committee due to member interest.

This application is a minor application.

Site area: 0.06 hectare

1. **SITE DESCRIPTION**

The site lies to the east of 135 Elm Low Road, but lies within the garden of 141 Elm Low Road. It houses a single storey brick workshop which is currently used as an ancillary building to the dwelling. A timber fence forms the boundary between the site and number 129 Elm Low Road to the north. The site area is 0.06 hectares and lies within Flood Zone 1.

2. **HISTORY**

Of relevance to this proposal is:

- |               |  |
|---------------|--|
| F/YR12/0043/F | - Erection of a single storey 3-bed dwelling involving demolition of existing shed - Land east of 135 Elm Low Road – Refused 9/3/12  |
| F/YR11/0653/F | - Erection of a single storey 3 bed dwelling involving demolition of existing shed, Land east of 135 Elm Low Road – Withdrawn – 25/10/11                                       |
| F/YR04/3406/F | - Erection of 2 x 2 bed semi-detached houses involving demolition of existing dwelling, 129 Elm Low Road – Granted – 8/12/2004   |
| F/YR03/1346/F | - Erection of 2 x 3 bed semi-detached houses, Land west of Briar Cottage, 129 Elm Low Road – Granted – 23/12/2003  |
| F/YR03/0717/F | - Erection of dwelling, Land west of Briar Cottage, 129 Elm Low Road – Granted – 28/07/2003  |
| F/YR03/0405/O | - Erection of single storey dwelling following demolition of existing workshop, Land north of 141 Elm Low Road – Refused – 16/05/2003  |
| F/YR03/0165/O | - Erection of two dwellings involving demolition of existing dwelling, Briar Cottage, Elm Low Road – Granted – 24/04/2003  |
| F/97/0110/F   | - Erection of a 4 bed detached house with attached granny annexe and detached double garage involving demolition of existing dwelling, 129 Elm Low Road – Granted – 26/06/1997 |

Continued use of outbuilding as wrought iron workshop and

### 3. CONSULTATIONS

***Town Council:***

Recommend Approval, however, members are concerned with reports that a garage on the site has been built right on the boundary and wish to confirm that any building on the site does not contravene planning regulations before any further permission is granted.

***Local Highway Authority (CCC):***

This application raises exactly the same highway issues that were identified in respect of the previous application F/YR12/0043/F.

The previous scheme demonstrated that due to the speed of vehicles past the site (established by the agent as 32.4mph southbound and 31.7mph northbound) visibility splays of 2.4m x 43.0m should be provided to the access road (which serves two dwellings already) at its junction with Elm Low Road. Consequently, as before, it is my view that the existing access should be improved to provide visibility splays of 2.4m x 43.0m. Although the submitted layout plan does not indicate the provision of any visibility splays, it would appear that the required splays affect third party land. Unless the applicant can demonstrate that the access can be improved to accommodate appropriate splays I have no option but to recommend refusal of the proposal:-

As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would be detrimental to highway safety

***Environment Agency***

This application falls within Cell **F5** of our flood risk standing advice matrix and therefore your Authority will be required to respond on behalf of the Environment Agency with regard to flood risk/surface water drainage issues.

***Anglian Water***

Awaited

***FDC Scientific Officer (Land Contamination):***

Attach contaminated land condition.

***Borough of Kings Lynn and West Norfolk (Neighbouring Authority)***

Does not wish to raise any objections to the proposed development.

***Middle Level Commissioners***

Awaited

***Local residents/interested parties:***

Four letters have been received from near

neighbours. The following issues have been raised.

- Problems associated with demolition of the workshop and use of driveway along with fears over damage to property and health.
- Problems of disturbance and safety associated with delivery of building materials during construction
- Problems with parking and turning areas proposed as not confident that they will work on the ground.
- The plans are not accurate in relation to the existing parking arrangements for 127 Elm Low Road and make the plot look more spacious
- The existing driveway is single track and not suitable for increased traffic. It will become dangerous with cars meeting and being required to reverse up drive or onto the carriageway.
- No provision for visitor parking.
- Noise and disturbance from traffic on gravel drive.
- Ability of occupiers of new property to look into bedroom windows backing onto the site.
- Unnecessary to build any more houses in the area as road is affected by increase in traffic.
- Precedent for future development may be set if approved.

#### 4. POLICY FRAMEWORK

##### FDWLP Policy

H3 - Proposals favoured for new dwellings within DAB's subject to meeting requirements of other policies within the Local Plan

E8 - Proposals for new development should:

- Allow for protection of site features;
- Be of a design compatible with their surroundings;
- Have regard to amenities of adjoining properties;
- Provide adequate access.

##### Core Strategy (Draft Consultation – July 2011)

CS1 - Spatial Strategy, The Settlement Hierarchy and the Countryside

CS2 - Growth and Housing

CS13 - Facilitating the creation of a more sustainable transport network in Fenland.

	CS14	- Delivering and Protecting High Quality Environments across the District.
National Planning Framework	Policy	
	Paras 2 and 11	- Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
	Para 14	- Presumption in favour of sustainable development
	Para 17	- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants.

## 5. ASSESSMENT

### ***Nature of Application***

This application seeks full planning permission for the erection of a single storey 2 bed dwelling involving demolition of an existing shed on land located to the east of no. 135 Elm Low Road. The site is currently garden land to no. 141 Elm Low Road and houses a domestic workshop. Two parking spaces are provided in front of the dwelling and access is taken from Elm Low Road to the north of 131. This access currently serves a pair of semi detached properties to the rear of 131-133 and provides their parking area. A small area on the eastern boundary of the site lies within the Borough of King's Lynn and West Norfolk.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications
- Layout and design
- Access and parking
- Service provision including bin storage.

### ***Site History***

The site and its immediate environs have been the subject of many planning applications since the early 1980's.

The workshop on the application site, which will be demolished to make way for the proposed dwelling, obtained planning permission to be used as a builders store/carpenters workshop/light steel manufacture and the use ceased in 1992. Planning permission was subsequently granted for the use of the building as a wrought iron workshop and for picture framing. The permission was initially temporary, but in 1995 it was granted to be used by the occupier of the dwelling (no. 141) and personal to the applicant. The building is now used in association with the dwelling only for non-commercial purposes.

An outline application for a bungalow on the application site was refused in 2003 as unacceptable backland development, contrary to Policy H3 of the Fenland District Wide Local Plan. The only major difference between the 2003 submission and the current application is that in the 2003 the access was proposed from Elm Low Road between no's. 135 and 141.

A property known as Briar Cottage occupied the plot to the north of no. 135 Elm Low Road and was set well back from the road in reasonably large grounds. In late 2003 planning permission was granted for the erection of 2 x 3-bed semi detached dwellings in the front garden of Briar Cottage and this was followed in 2004 with planning permission for a pair of 2-bed semis on land to the rear of these new properties. The dwellings replaced a detached house and occupy a roughly similar footprint to the demolished dwelling. The dwellings on the road frontage are no's 131 and 133 and those to the rear are no's 127 and 129 Elm Low Road.

In August 2011 an application for a single storey 3-bed dwelling was submitted in a very similar form to the current application. The Highway Authority recommended refusal of the application and it was withdrawn.

Most recently, in March 2012, an almost identical application for a 3 bed bungalow was refused for the following reasons;

The proposal is contrary to Policy E8 of the Fenland District Wide Local Plan in that it would have a detrimental impact on the amenity of the adjoining properties, the surrounding area, and the locality in general by virtue of the location of the proposed dwelling on a backland site.

and

The applicant has failed to demonstrate on the submitted plans that sufficient land lies within his control to provide adequate visibility at the site access. Accordingly the proposed development would be detrimental to highway safety and contrary to Policy H3 of the Fenland District Wide Local Plan.

### ***Principle and Policy Implications***

Since the last application was refused in March the planning policy regime has changed and at National level Planning Policy Statements have been replaced by the National Planning Policy Framework (NPPF). The NPPF indicates that there is a presumption in favour of sustainable development; however, this does not override other material considerations such as good design and high standards of amenity.

Where the saved policies of the FDWLP are consistent with the principles of the NPPF they can be given full weight and weight can now also be given to the relevant policies in emerging plans. As a result the good practice criteria in Policy E8 of the Local Plan must be taken into consideration alongside the criteria set out in the emerging Core Strategy Policy CS14. Both policies place great importance on the preservation of the amenity of existing properties, whilst the NPPF goes further and requires the amenities of future occupiers of the development to be of a good standard.

### ***Layout and Density***

This application differs from the last submission only in that it has been reduced from a three bed dwelling to a two bed dwelling. The internal layout has been altered to show the bedrooms at the rear and kitchen and lounge at the front. This partly addresses the reason for refusal concerned with the level of residential amenity experienced by the proposed occupiers of the dwelling, however, does not address the concerns relating to the effect of the dwelling on the residential amenities of existing occupiers. The layout remains unchanged in terms of access and parking so the majority of the previous refusal reasons remain pertinent to this submission.

The layout of the proposed development appears contrived due to the irregular shape of the plot. In order to ensure the occupiers of no. 129 can park two cars to the south of their property, as opposed to in the access road to the front of their house as at present, the applicant has indicated the provision of a parking and turning space within the curtilage of

the proposed bungalow. This space will be approx. 1 metre away from the side elevation of the bungalow and will be bordered by a 1.8 metre high close boarded fence, however, due to the amended internal layout there will only be a bathroom window in this elevation. The tandem parking arrangement shown on the plan will be in very close proximity to the neighbours parking and shared turning area and this is considered to provide a sub-standard level of residential amenity, in terms of outlook and noise and disturbance, for these occupiers. In addition parking spaces for the new dwelling are proposed to the front of the dwelling, which will introduce additional vehicular movements to the rear of no. 135. It is accepted that the area in front of the workshop is used for the parking of vehicles, but it appears to be used as a storage area which would not attract the daily movements created by a three-bed dwelling. The plans indicate that the existing gravel drive will be extended so the choice of this material will do nothing to mitigate the additional noise and disturbance created by the vehicular activity associated with a new dwelling.

Elm Low Road has a varied mix of building styles with no particular characteristic appearing as dominant. As a result this conventional bungalow is not at odds with the existing development, and the agent indicates that the proposal has been designed to avoid overlooking. Unfortunately the other of constraints which require careful consideration such as the backland location, restricted access and difficulties in satisfying the parking arrangements for existing and proposed dwelling have not been addressed.

Whilst no's. 127 and 129 Elm Low Road lie in a backland location, the planning history discussed earlier in the report shows that these properties were built on the footprint of a single dwelling which was set well back from the road. The properties on the road frontage were built in the front garden of the existing property, which was subsequently demolished and the site redeveloped with a small pair of semis. As a result it is clear that the dwellings to the north of the application site do not set a precedent for backland development in this location and there is a previous refusal for residential development on the application site dating back to 2003. It is acknowledged that the position of the access has changed, but it has not overcome previous objections to the development. Any residential development on this plot would constitute backland development, which should be resisted. This is due to the detrimental impact on nearby neighbours and the creation of an undesirable precedent.

### ***Access and Parking***

The proposed parking arrangements give rise to considerable concern regarding their ability to work satisfactorily and provide an adequate level of residential amenity to the occupiers of proposed and existing properties. The nearest neighbours to the site have raised concerns about whether there is enough room to provide the layout shown on the plan and the fact that no visitor parking will be provided as most households have two cars. The driveway is shown to be approx. 5 metres wide for its entire length and neighbours are concerned about the increase in traffic and the restricted access in terms of cars not being able to pass on the driveway. A further concern is the potential use of the existing access during the demolition and construction period. It would appear that if the access to serve the dwelling is used it will cause considerable noise, disturbance and congestion to the current residents.

Speed survey data was provided for the last application and this highlighted the concerns of the Highway Authority about the suitability of the access to serve an additional dwelling. As a result the survey the applicant was asked to provide visibility splays of 2.4 metres x 43.0 metres and these have not been shown on the plan. It is felt that in order to achieve the necessary splays land, which the applicant does not control, is required. The Highway Authority has recommended refusal of the application, on highway safety grounds, unless the applicant can demonstrate that the access can be improved to accommodate the

appropriate splays.

### ***Service Provision***

The submitted plan shows provision for bin storage within the site to the rear of the neighbour's parking space. The bins will require wheeling down the gravel drive over a distance of approx. 50 metres to the highway for collection. This is contrary to the distances recommended in the ReCap Waste Management Design Guidance which has been adopted by FDC.

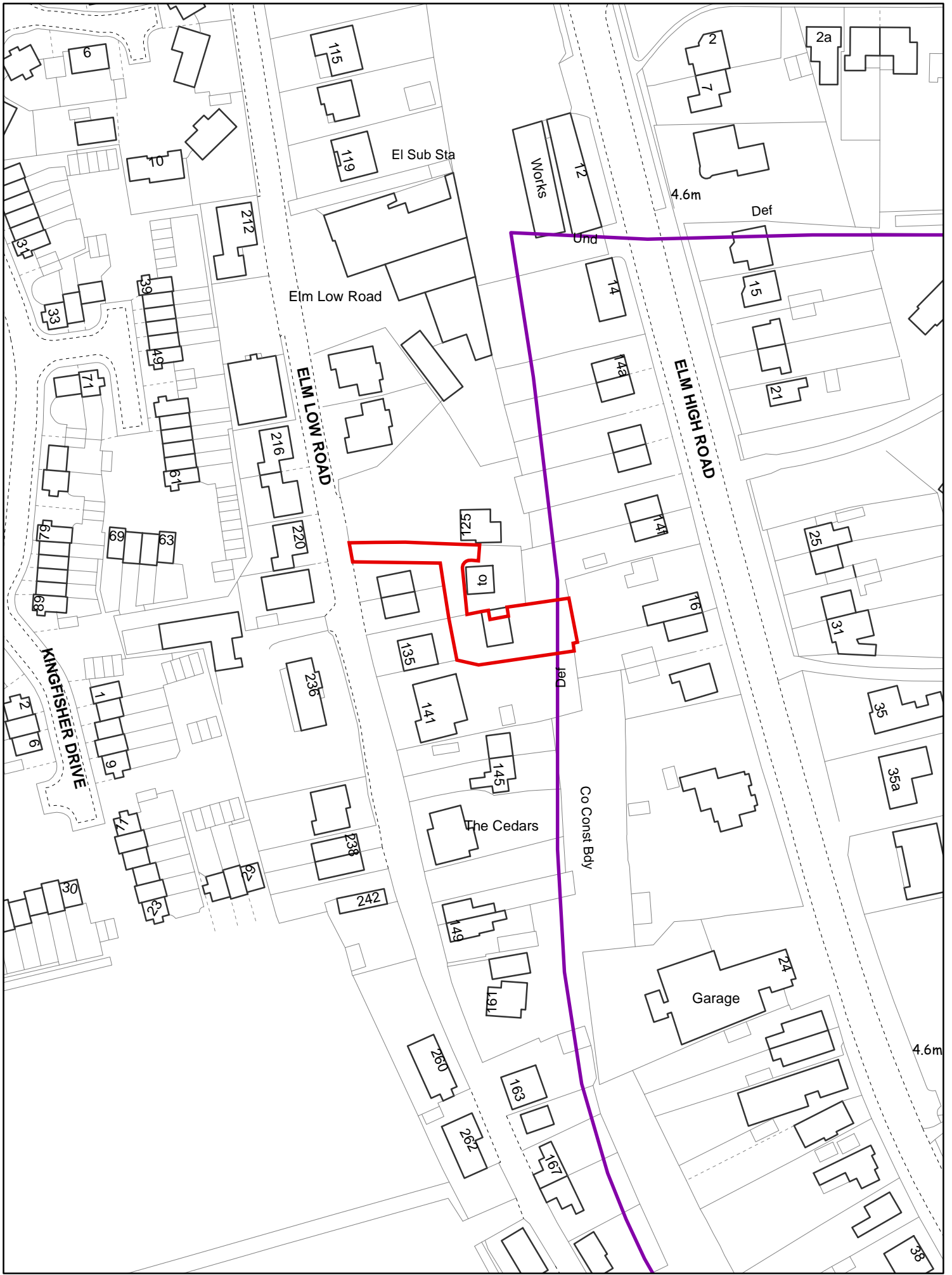
### ***Conclusion***

The proposal represents a form of backland development which cannot be supported due to the resulting contrived parking, substandard access drive and the poor quality of residential amenity which will be created for the occupiers of the proposed and existing properties. As a result the proposal is contrary to the provisions of Policy H3 and E8 of the Fenland District Wide Local Plan, Policy CS14 of the emerging Core Strategy and the core planning principles of the NPPF and the recommendation is to refuse the application

## **6. RECOMMENDATION**

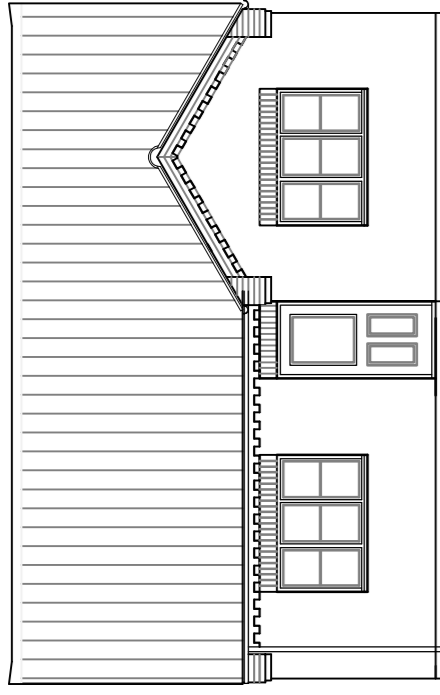
### **Refuse**

- 1. The proposal is contrary to Policy E8 of the Fenland District Wide Local Plan, Policy CS14 of the draft Core Strategy and the NPPF in that it would have a detrimental impact on the amenity of the adjoining properties, the surrounding area, and the locality in general by virtue of the location of the proposed dwelling on a backland site.**
- 2. The applicant has failed to demonstrate on the submitted plans that sufficient land lies within his control to provide adequate visibility at the site access. Accordingly the proposed development would be detrimental to highway safety and contrary to Policy H3 of the Fenland District Wide Local Plan and Policy CS13 of the draft Core Strategy.**



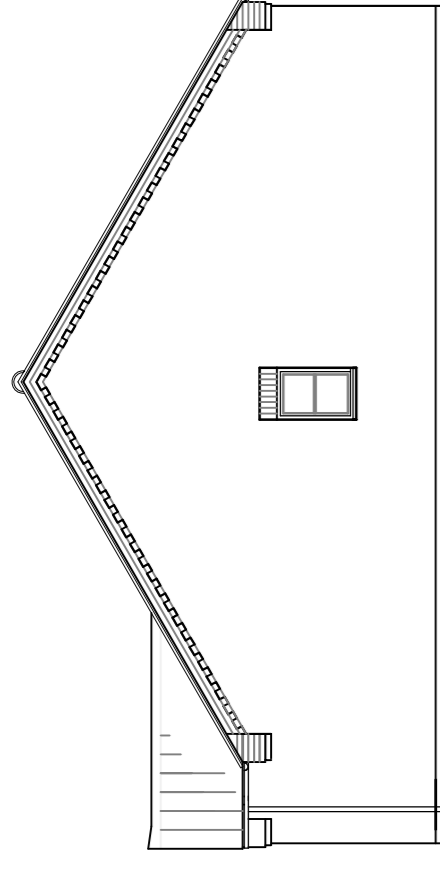


Sandtoft double panille  
rustic

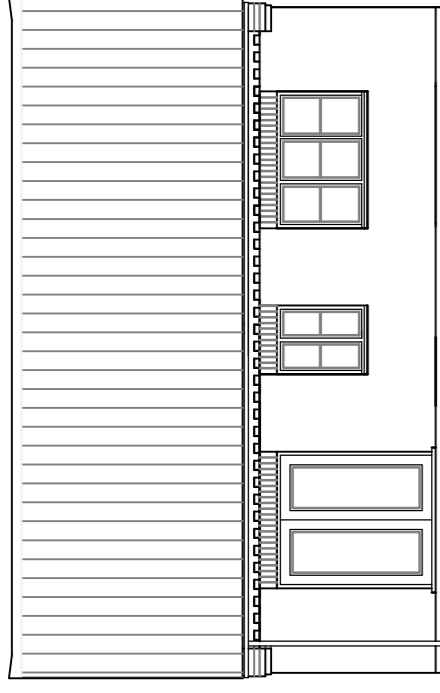


White upvc windows  
Deasimpe Kenilworth  
Rec'd Mulli

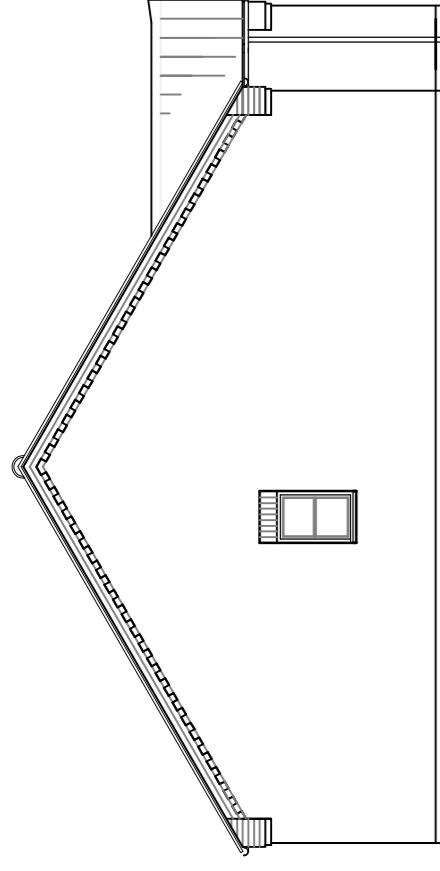
Front Elevation  
SCALE 1:100



Side Elevation  
SCALE 1:100



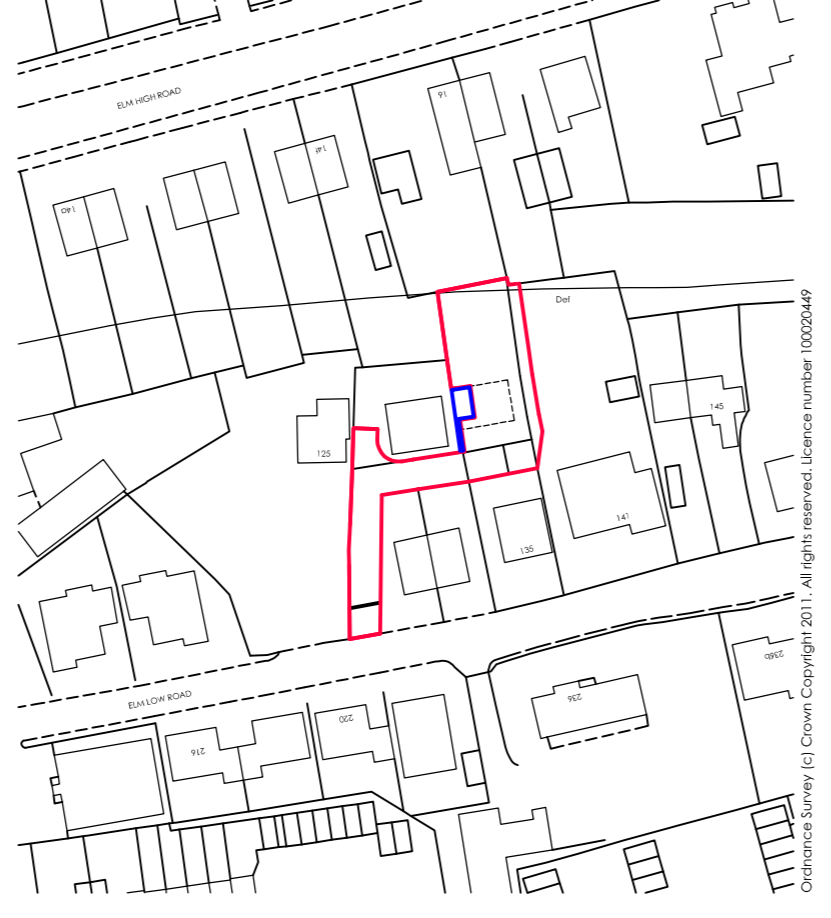
Rear Elevation  
SCALE 1:100



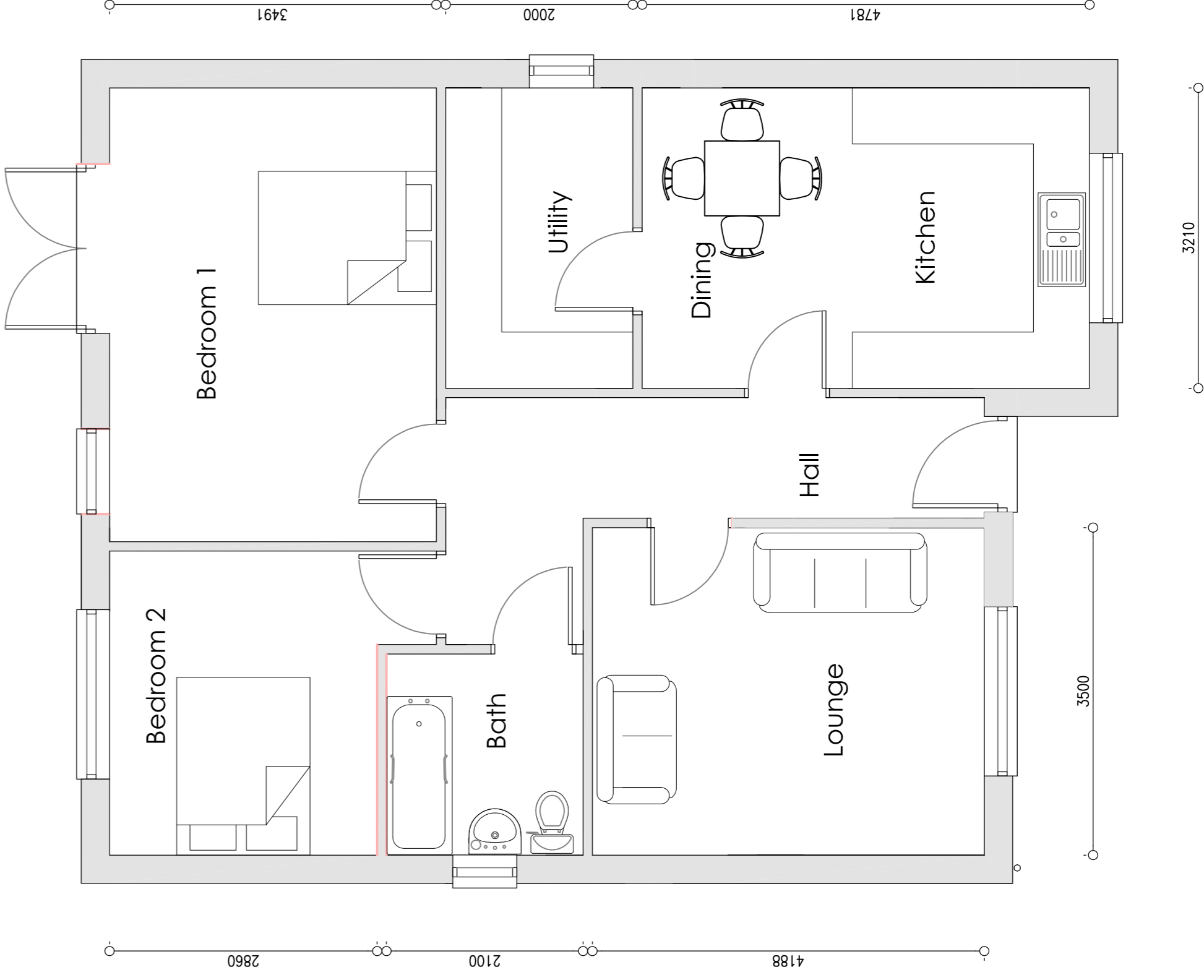
Side Elevation  
SCALE 1:100

- TREE PLANTING  
A SILVER BIRCH - BETULA  
B HORNBEAM - CARPINUS  
C WHITEBEAM - SORBUS  
TREES PLANTED TO BE 1.800m HIGH
- SP SHRUB PLANTING TO INCLUDE  
BARBERRY (BERBERRIS) GUELDER ROSE (VIBURNUM)  
BUDDLEIA DAVIDII, FORSYTHIA X INTERMEDIA LYWOOD  
MOCK ORANGE (PHILADELPHUS) SNOWY MESPILUS (AMELANCHIER)  
C3 POT SIZE  
PLANTING SIZE 40-60cm  
PLANTED AT 750mm CTS

- GC GROUND COVER PLANTS  
COTONEASTER HORIZONTALIS,  
HEDERA HELIX, LAVANDULA SPICA  
6 PLANTS PER METRE SQ.



LOCATION PLAN 1:1250



FLOOR PLAN 1:50



SITE PLAN 1:250

Peter Humphrey Associates  
ARCHITECTURAL DESIGN AND BUILDING  
LTD.

PROJECT

RESIDENTIAL DEVELOPMENT  
REAR OF 135 ELM LOW ROAD  
ELM  
WISBECH

CLIENT

DENE HOMES LTD

DATE: APRIL 2012 SCALE: AS SHOWN JOB NO: 4724-PL01d

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