

**Application Number: F/YR12/0725/F
Minor
Parish/Ward: Elm/Christchurch
Date Received: 18 September 2012
Expiry Date: 13 November 2012
Applicant: J A Investments
Agent: Morton & Hall Consulting Ltd**

Proposal: Erection of 8 x 2-storey 3-bed dwellings, with garages to plots 5, 6 and 8.

Location: Site of former 91 High Street, Chatteris

Site Area: 0.2 hectare

Reason before Committee: Recommendation at variance to Town Council response.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission to erect 8 dwellings with associated garaging and parking on the site of 91 High Street, Chatteris. The original dwelling was in a poor state and has been demolished and the site cleared.

The key issues to consider are current policy; the site history; the scale, layout, design and appearance of the proposal and the impact on the character of the conservation area.

The application site lies within the Chatteris town centre and the Conservation Area and it is acknowledged that Policy CS3 of the Fenland Local Plan, Core Strategy (Proposed Submission, February 2013) seeks to steer the majority of the district's new housing and growth to the market towns. It is also recognised that there have been previous approvals for residential development on this site which carry weight in the determination of this application. As a result it is accepted that the site lies within a sustainable location and the principle of residential development has been established. However, these factors must be balanced against the changes in national and local policy and guidance which have occurred since the previous approvals, along with the sensitivity and importance of the Conservation Area Location.

As the proposal seeks to provide 8 dwellings and would require an access road of an adoptable standard, it is considered that this feature would dominate the site frontage, leaving the frontage dwelling with poor standards of residential amenity whilst failing to seize the opportunity to make a positive contribution to local character and distinctiveness. Both the NPPF and the Fenland Local Plan, Core Strategy place great importance on raising the quality of design and residential amenity whilst positively contributing to local distinctiveness and character. Officers have attempted to negotiate an amended scheme which would provide a more visually pleasing site frontage and have put forward a number of options; however, these have been rejected by the applicant so the recommendation is to refuse as submitted.

2. HISTORY

Of relevance to this proposal is:

2.1	F/YR12/0359/F	Erection of 8 houses comprising of 1 x 4-bed detached, 6 x 3-bed semi-detached and 1 x 3-bed detached with garages.	Withdrawn 12/06/2012
	F/YR07/1284/F	Erection of 8 houses comprising 1 x 4-bed detached, 6 x 3-bed semi-detached and 1 x 3-bed detached with detached single garage and associated parking.	Granted 09/01/2008
	F/YR06/0924/CA	Demolition of dwelling.	Granted 01/12/2007
	F/YR05/1235/F	Erection of 6 dwellings comprising; 2 x 3-bed semi-detached and 4 x 4-bed detached houses with associated garaging/parking and demolition of existing dwelling.	Granted 12/01/2007
	F/YR03/1483/F	Erection of 8 dwellings comprising; 2 x 3-bed detached, 3 x 2-bed semi-detached houses and associated garages/parking and demolition of existing dwelling.	Refused 30/04/2004 Appeal dismissed

3. PLANNING POLICIES

3.1 National Planning Policy Framework (NPPF):

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Para 53: set out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Para 64: Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Para 126;.... take into account the desirability of new development making a positive contribution to local character and distinctiveness.

3.2 Fenland Local Plan, Core Strategy (Proposed Submission) February 2013 (Core Strategy):

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS4: Housing.

CS5: Meeting Housing Need.

CS16: Delivering and Protecting High Quality Environments across the District.

3.3 Fenland District Wide Local Plan, 1993 (FDWLP):

H3: Development should be within existing settlement boundaries

E8: Landscape and Amenity Protection

E12: Require all developments in a Conservation Area to preserve or enhance its special architectural or historic interest.

4. CONSULTATIONS

- 4.1 ***Parish/Town Council*** Raise no objections to the original scheme. Comments on latest amended plans to be reported.
- 4.2 ***Local Highway Authority (CCC)*** Conditions required relating to the following;
- vehicular visibility splays of 2.4m x 43.0m
 - pedestrian visibility splays of 1.5m x 1.5m
 - Junction of access road with High St to be laid out with 6.0m radius kerbs.
- All to be provided prior to the first occupation of development.
- 4.3 ***CCC Archaeology:*** Archaeological evaluation was undertaken at this site in 2008 and matters dealt with at that stage. No objection to this development.
- 4.4 ***Middle Level Commissioners:*** The effective disposal of surface water is a material consideration therefore the applicant should clarify the method and location of water level management device. Due to the lack of information relating to the disposal of surface water there is no option but to oppose the planning application.
- 4.5 ***FDC Scientific Officer (Land Contamination):*** Site requires a full contaminated land condition. Work has been carried out previously but no confirmation that it was completed and the previous condition has not been discharged.
- 4.6 ***FDC Conservation Officer:*** I would recommend that the FDC Arboricultural Officer be consulted on the proposal as some trees appear of a significant size.
The designs of the properties to the rear are reasonable, but would like to see design improvements to the house fronting High Street, notably the narrow front elevation WC window, which looks odd and out of proportion.
Comments on amended plans to be reported.

4.7 **FDC Arboricultural Officer**

The proposed scheme would result in the loss of a number of prominent trees of landscape and screen value.

To the front of the site there is a mature goat willow (marked as crab apple on submitted drawing) that is prominent and of landscape and screen value. It has a large trunk diameter but has had the soil levels changed at the base resulting in root severance/damage. Depending on the volume of root destroyed, the tree may enter a period of decline.

Adjacent to the flank of 7 Kempston Court is an early mature sycamore and a young beech (marked as poplar and birch on submitted drawing) which are worthy of retention.

On the east boundary is a group of ash trees which have been poorly pollarded and are no longer worthy of retention.

In the northeast corner of the site is a young lime tree that is of long term potential and worth retaining.

If possible the goat willow should be retained, although it would require crown reduction work and the removal of ivy and I would not go as far as placing a TPO on the tree.

4.83 **Local Residents:**

3 letters of objection have been received from neighbouring residents. The following points are raised:

- The loss of the large tree in the proposed bin storage and parking area of detached property fronting the High Street (plot 1) would mean the loss of all privacy for residents of Kempston Court from overlooking and disturbance from the rear of plot 1.
- No clear indication on plans as to the treatment of the boundary wall between Kempston Court and proposed plot 1 and access road. Will the missing sections be replaced and thereafter maintained at no cost to Kempston Court residents.
- Concern about increase in parked vehicles on High Street as already the access to Kempston Court is regularly blocked by parked vehicles. Residents and visitors to Plot 1 likely to be tempted to park on road rather than use parking spaces to rear of dwelling and in doing

so reduce visibility for other road users.

- The construction traffic which will be forced to park on the road will reduce visibility for users of Kempston Court access to a hazardous and potentially dangerous level.
- No indication on plans if street lights are proposed on tarmac road to plots 2-8. These lights could produce unacceptable glare into living and bedrooms of Kempston Court residents.
- Application form states timber joinery but UPVC stated on plans. The site is in a conservation area and traditional materials should be used.
- Existing trees should be retained along with existing boundary hedging to mitigate the close proximity of the development to Porters Yard.
- The site is not a suitable development site and was a planted, but neglected garden until clearance in 2007.
- Back gardens have been taken out of the definition of previously developed land
developed land in a change of Government policy so effectively this rules out the major part of the site for development and would only allow frontage building.
- Perimeter hedge to 6 Porters Yard is not shown on the plans and has already been damaged by contractors.
- Parking for plot 6 is located next to the boundary fence and in close proximity to bedrooms of existing neighbouring property. The use of the parking space will cause noise, disturbance and loss of privacy to existing residents.
- The road to plot 5 leads directly to perimeter fence and could be dangerous if vehicles overshoot the driveway and come through the fence into an area of private garden used by family members and children under supervision as house occupied by registered childminder.

5. **SITE DESCRIPTION**

- 5.1 The site is located on land to the north east of Chatteris High Street, to the north of the town centre and within the Conservation Area. The site originally housed a single, modest dwelling with a large garden stretching to the rear. The site has an area of approx 0.2 hectare and lies within Flood Zone 1. Residential development borders the site on three sides with the High Street running along the front of the site.

The site is of an irregular shape with a frontage of approx. 20 metres, narrowing to a pinch point of just under 7 metres some 20 metres into the site. At approx. 40 metres into the site it opens out into a roughly rectangular area measuring approx. 25 metres x 55 metres. There are a number of mature trees on the site.

6. **PLANNING ASSESSMENT**

- 6.1 The key issues to consider are current policy; the site history; the scale, layout, design and appearance of the proposal and the impact on the character of the conservation area.

6.2 *Current policy considerations*

The site is located within Chatteris town centre where development is generally encouraged and can be seen as sustainable in accordance with the provisions of the NPPF and Core Strategy. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF advises that development proposals which accord with the development plan should be approved without delay unless;

- the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework taken as a whole; or
- specific policies in the framework indicate development should be restricted.

In this particular case it is considered that the following principles and policies contained within the framework must be balanced against the presumption in favour of sustainable development;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para 17);
- resist inappropriate development of residential gardens, for example where development would cause harm to the local area (para 53);
- permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (para 64);
- the desirability of new development making a positive contribution to local character and distinctiveness.

The draft Core Strategy, Policy CS16 seeks to deliver and protect high quality environments across the district by requiring all new development to meet good practice criteria which echo and expand upon those contained in the NPPF.

6.3 *Site History*

The history section of this report shows that there have been a number of applications on this site in the past. An application for 8 dwellings was dismissed on appeal in 2004 with the lack of visibility and highway concerns cited as the main reason for the failure of the appeal. A scheme for six dwellings was granted consent in 2007 and this was followed with a proposal for eight dwellings receiving approval in 2008. The 2008 approval lapsed in 2011 as the applicant had not been able to discharge all the pre-commencement conditions placed on the consent. It is important to recall that the 2008 consent relied upon the advice set out in PPS3, which at that time classed garden land as previously developed land with a presumption in favour of development and encouraged residential schemes to have densities of 30 – 50 dwellings per hectare. With a density of approx. 40 dwelling per hectare the scheme was considered compliant with government advice of the time

Since the last approval on the site the NPPF and the Core Strategy have been published and the policies of particular relevance are set out above. PPS3 has been cancelled by the publication of the NPPF. In addition the ReCap waste management guidelines have been published and adopted by the local authority. These guidelines set out the maximum distances householders should have to wheel their bins to collection points. Essentially the policy emphasis has shifted from encouraging high density proposals on garden land to ensuring that development is encouraged in sustainable locations provided it takes every opportunity to secure high quality design; make a positive contribution to local character and distinctiveness and ensure a good standard of amenity for all existing and future occupants of land and buildings.

The applicant is keen to rely on the fact that consent has been granted in the past for eight dwellings on the site, and in order to ensure the scheme is ReCap compliant amendments have been made to provide an access of an adoptable standard to cater for refuse collection vehicles. The impact of this amendment will be discussed in the following section.

6.4 *Scale, Layout, Design and Appearance of the scheme:*

The layout provides for 3 pairs of 3-bed semi-detached dwellings and two detached 3-bed dwellings, one on the site frontage (plot 1) and one at the rear of the site (plot 8). Plots 5, 6 and 8 each have a single detached garage with a parking space in front and the remainder of the semi-detached plots have two parking spaces to the side of the dwellings. Plot 1 on the site frontage has two parking spaces to the rear of the dwelling.

The scale of the buildings is considered to be in keeping with those in existence in the locality; however the layout of the site gives rise to poor relationships and amenity levels between dwellings within the site and those beyond the site.

Plot 1 - The positioning of a dwelling on the frontage of the site is considered vital to contribute positively to the townscape and conservation area, however, in order to provide an access road of an adoptable standard and a conventional family dwelling this results in substandard amenity space which would be overlooked by an existing property in Kempston Court and would also be bounded by the access road to the application site on one side and the driveway to Kempston Court on the other side. The configuration of the plot results in poor levels of residential amenity for the existing and proposed residents and

this is exacerbated by the loss of the mature tree in this location.

Plot 2 – the plans for the garden of plot 2 shows the retention of a 12m sycamore tree and an 8m beech tree. Whilst their retention is welcomed the concern is that in time the trees would be compromised because the occupiers of plots 2 and 3 would be likely to request their removal to improve light levels or mitigate against falling leaves or branches given their proximity to the proposed dwellings and the small garden sizes.

Plot 5 – the parking arrangement appears contrived and the overall layout results in a poor outlook for plots 6 and 7 consisting of a blank gable wall and a poorly defined parking area.

Plots 6 and 8 – the proposed garages would impinge on the pollarded ash trees which the applicant shows as retained on the submitted plans. It would be impossible to retain the trees and build the garages as indicated.

The submitted scheme makes no provision for the retention of the young lime tree in the north east corner of the site which has been identified by the arboricultural officer as having long term potential.

As indicated above the scheme has been altered since the 2008 approval to accommodate an access and road way to be constructed to an adoptable standard to serve plots 1 – 4. Plots 5 – 8 are proposed to take access via a private driveway with a bin collection point close to plot 4. This alteration ensures the scheme complies with the ReCap waste management guidelines. In doing so the frontage has become dominated by a formal, wide access point resulting in the dwelling being pushed towards the edge of the site in a small and exposed plot. It is considered that in this prominent location the design of the frontage dwelling should be the driver for the scheme rather than the accommodation of the access. It is acknowledged that this point was explored between officers and the agent prior to the submission of this application, however, at no point did officers suggest that the provision of an adoptable standard of highway would automatically result in a positive recommendation. The changes in policies and standards were conveyed to the agent and the applicant choose to explore the possibility of providing a more formal access road in order to address, primarily, the problems which would arise from the distances involved for bin collection purposes. In doing so the amended drawings demonstrated that in solving one of the issues, others relating to the overall character and appearance of the scheme and its ability to fit with the locality were exposed.

6.5 *Impact on the character of the conservation area and adjacent development*

The NPPF advocates that any new proposal should make a positive contribution to local character and distinctiveness and make use of opportunities available for improving the character and quality of an area and the way it functions. In order to retain a scheme for eight dwellings on this site the layout has become driven by the need to provide a highway into the site of an adoptable standard with formal kerbs and footways. As a result the access point takes up over half the site frontage and the frontage dwelling, which has been designed as a family home, sits in a small plot which lacks privacy. It is considered that in a town centre location within the conservation area the frontage dwelling should be the focal point of the design and the remainder of the scheme should be informed by

it.

The materials proposed for the scheme are generally of a good quality, however, UPVC windows are proposed and this is considered unacceptable in this location.

Neighbours of the site, in particular to the north, have raised issues relating to residential amenity. It is acknowledged that the existing site layout does not make the best use of existing mature trees and landscaping which would help to soften the impact of any development and improve the attractiveness of any scheme. The proposed occupiers of Plot 1 would be indirectly overlooked by the front windows of a property in Kempston Court and would not be able to enjoy any truly private amenity space. In turn those in Kempston Court could suffer from perceived overlooking from the rear windows of the property on Plot 1.

The prevailing character of the area in the immediate locality is of dwellings on the High Street frontage with narrow entry points leading to a limited amount of backland development, rather than a dominant, formal access point leading to a suburban estate style of development where the frontage dwelling has to be fitted into the space that is left. It should be remembered that residential development on this site has been established and accepted, however, the applicant did not take the opportunity to develop the site when a less formal and dominant access was considered acceptable. Neither was the opportunity taken to extend the permission under the formal procedure available. As a result planning law requires that new applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The prevailing thrust of current development plan policies which are supported by the principles set out in the NPPF are for the delivery of high quality environments which reinforce local identity and do not adversely impact on the street scene or neighbours. Officers consider that the scheme for eight dwellings as submitted cannot be seen to accord with these principles and policies so cannot be recommended for approval. The applicant has been informed that officers consider a scheme for up to six dwellings could receive support as this could be served from a private drive, as confirmed by CCC Highways. The junction with the High Street would only need to comprise a standard crossing of the footway rather than the use of radius kerbing which would hugely reduce the impact on the frontage. The access road would need to be 5.0m wide for a minimum distance of 10.0m and comprise a common turning area at the end. There would be a requirement for a bin store on the frontage, but this could be incorporated into the frontage design as there would be more space available given the reduction in width of the access road.

7. CONCLUSION

- 7.1 The application site lies within the Chatteris town centre and the Conservation Area and it is acknowledged that Policy CS3 of the Fenland Local Plan, Core Strategy (Proposed Submission, February 2013) seeks to steer the majority of the district's new housing and growth to the market towns. It is also recognised that there have been previous approvals for residential development on this site which carry weight in the determination of this application. As a result it is accepted that the site lies within a sustainable location and the principle of residential development has been established. However, these factors must be

balanced against the changes in national and local policy and guidance, which have occurred since the previous approvals along with the sensitivity and importance of the Conservation Area Location. As a result the scheme for eight dwellings with an adoptable standard highway cannot be seen to accord with the policies of the current development plan and the principles set out in the NPPF due to its failure to deliver a high quality environment and the adverse impact on the street scene and locality.

A scheme for up to six dwellings, served from a private drive, could be appropriate.

8. **RECOMMENDATION**

Refuse:

The proposal development fails to deliver a high quality environment, due to the positioning and scale of the access road and resulting plot layout, and if approved would have an adverse impact on the street scene and locality which lies within the Chatteris Conservation Area. Consequently the scheme fails to make a positive contribution to local character and distinctiveness and is contrary to the provisions of the National Planning Policy Framework and the development plan with particular reference to Policy E8 of the Fenland District Wide Local Plan, Policy CS16 of the Fenland Development Plan, Core Strategy (Proposed Submission).



Created on: 02/10/2012

F/YR12/0725/F

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Scale = 1:1,250



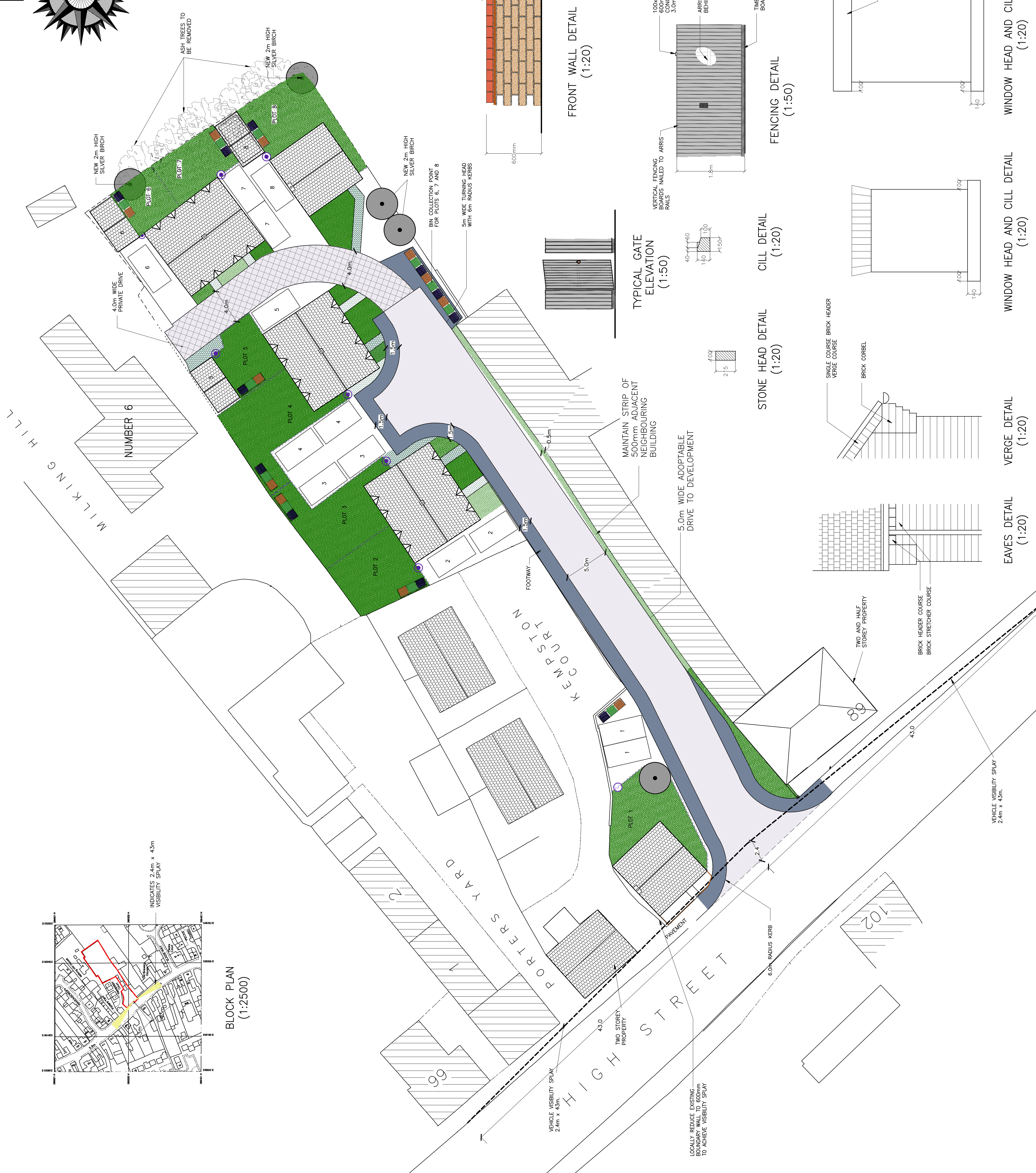
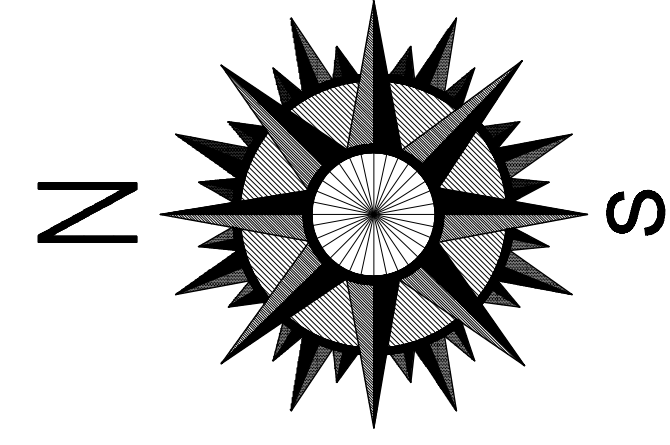
LEGEND

SURFACE TREATMENT LEGEND	
	GRASS AND SOFT LANDSCAPING
	PURPLE SLATE
	IMPERMEABLE HARDSTANDING AND PATHS
	TARMAC PAVEMENTS
	TARMAC ROADS

FLORA LEGEND	
	NEW TREE
	EXISTING TREE TO BE REMOVED

BOUNDARY TREATMENT LEGEND	
	PRIVATE DWELLING BIN STORE

BOUNDARY TREATMENT LEGEND	
	1.8m CLOSE BOARDED FENCE
	0.6m BRICK WALL
	GATE



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PLANNERS COMMENTS	DATE
G	SEP 12
F	AUG 12
E	AUG 12
D	JULY 12
C	JUNE 12
B	APR 12
A	DEC 11

MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS
 1 Gordon Avenue, March, Cambridgeshire, PE15 8AU
 Tel: 01354 655454 Fax: 01354 660467
 E-mail: morton@mh-engineers.co.uk Website: www.mortonandhall-engineers.co.uk

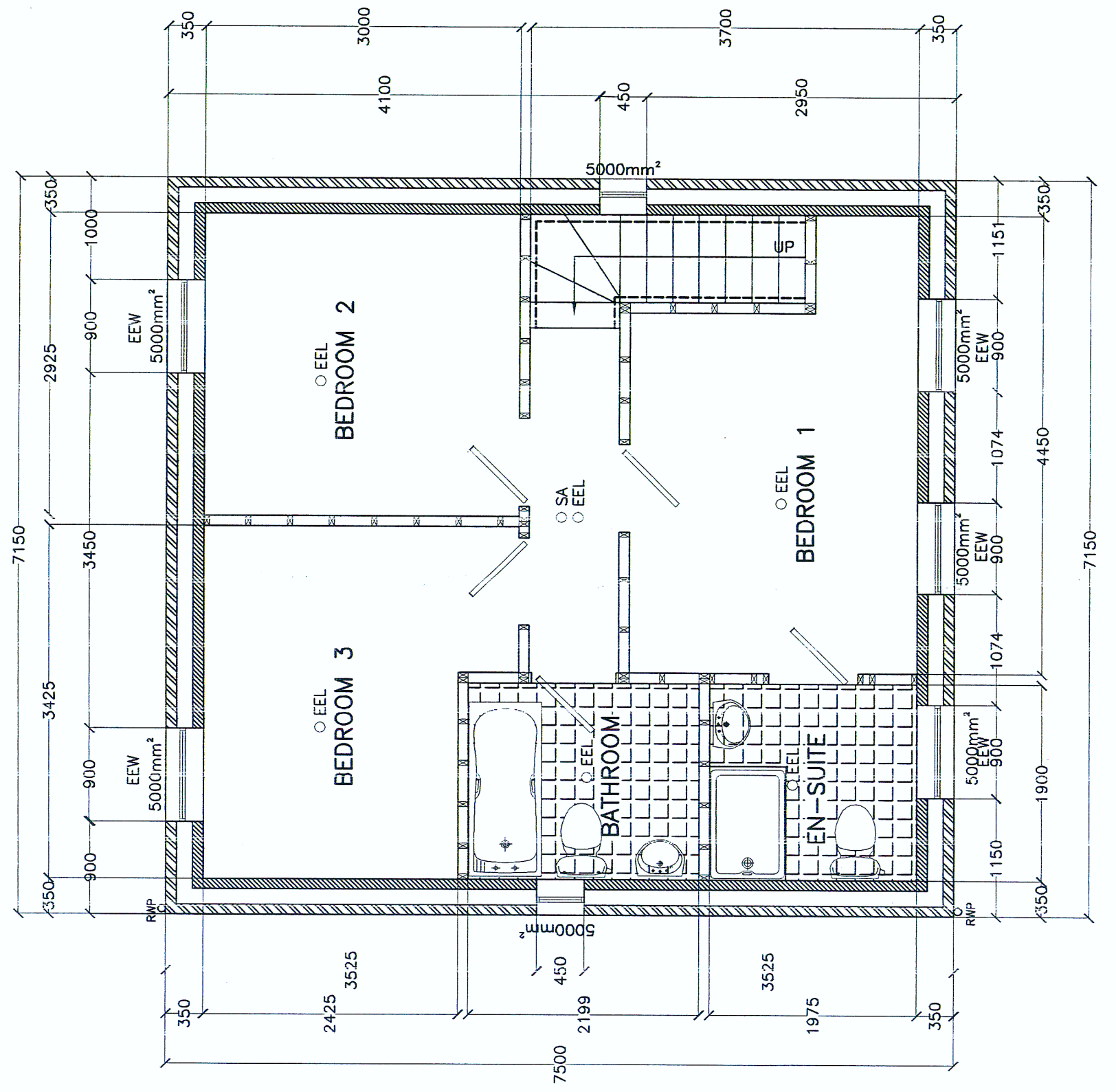
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 Building Design Awards
 Winner
 Building Excellence in Fenland

CLIENT	J A Investments Ltd
PROJECT	Development at 91 High Street Chatteris Cambridgeshire
TITLE	Proposed Site Plan and Details
DRAWN A.M.	DATE OF ISSUE
CHECKED	DATE
DATE	OCT 2011
SCALE	1:200
PROJECT NUMBER	H1555/100_6

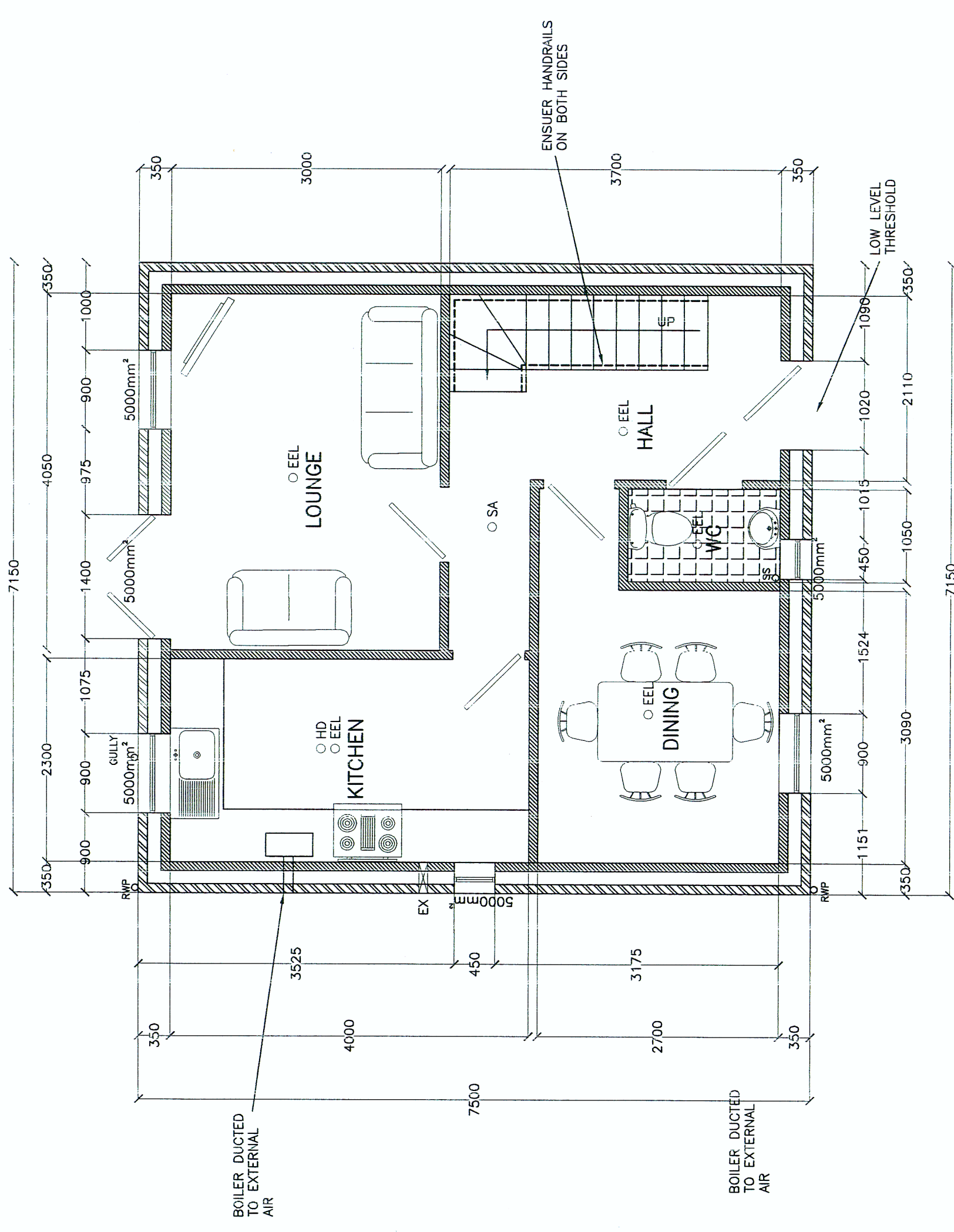
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LEGEND
 SA = SMOKE ALARM
 EX = EXTRACTOR FAN
 HD = HEAT DETECTOR
 EEL = ENERGY EFFICIENT LIGHTING
 EEW = EMERGENCY ESCAPE WINDOW TO BE SET BETWEEN 600-1000mm FROM FLOOR LEVEL AND HAVE CLEAR OPENABLE AREA OF 0.33m² WITH A CLEAR DIMENSION OF 450mm
 LH = LOFT HATCH
 5000mm² = 5000mm² TRICKLE VENTS INCORPORATED INTO DOOR / WINDOW FRAME

MATERIALS
ROOF: REDLAND NORFOLK PANTILE FARMHOUSE RED 39
WALLS: HANSON HERITAGE BLEND
JOINERY: WHITE UPVC
RWP/GUTTERS: BLACK CAST ALUMINIUM
CILLS: BATH STONE



PROPOSED FIRST FLOOR PLAN (1:50)



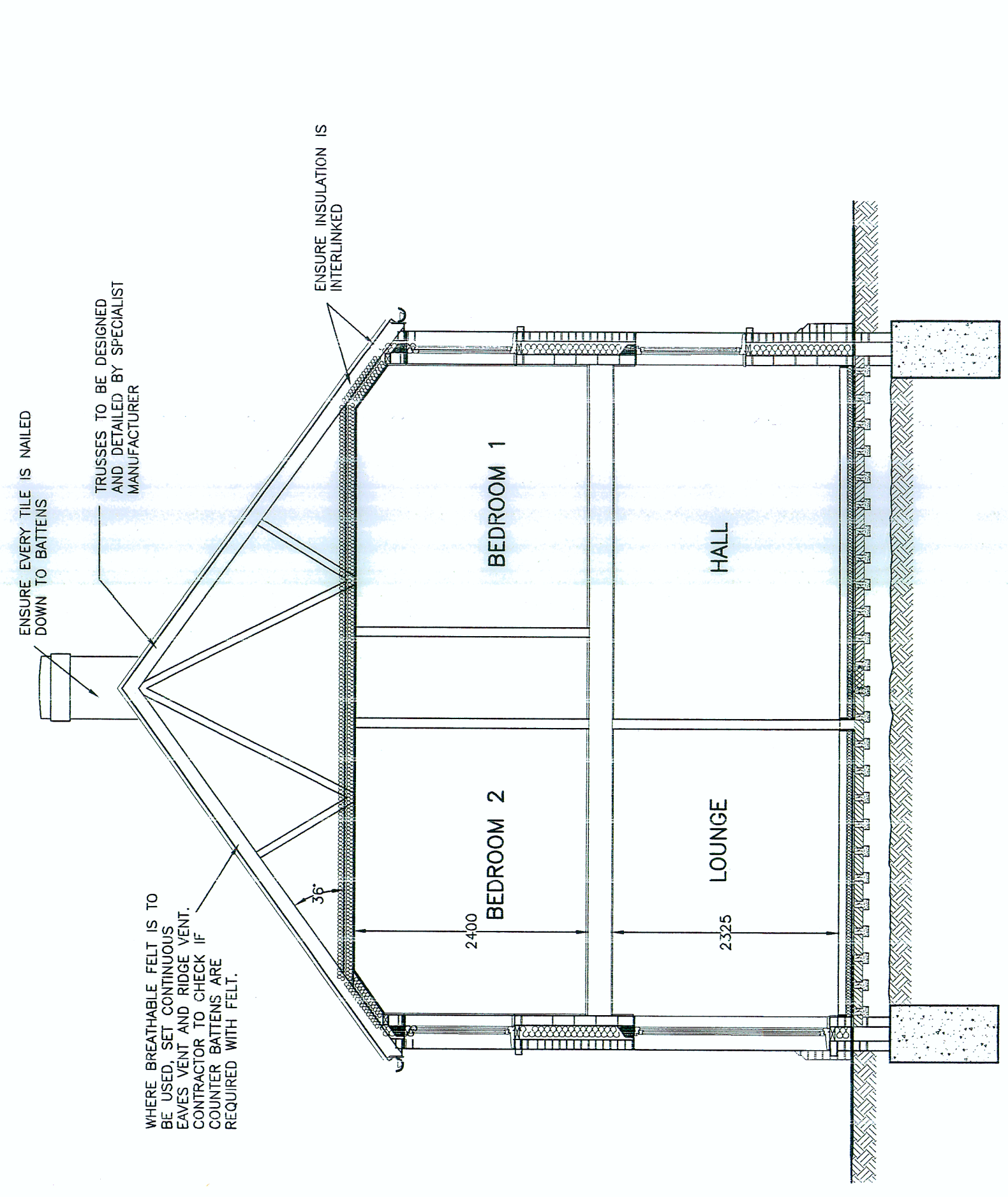
PROPOSED GROUND FLOOR PLAN (1:50)

REVISIONS	DATE
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B	JUN 12
C	JUN 12
D	JUN 12
E	AUG 12

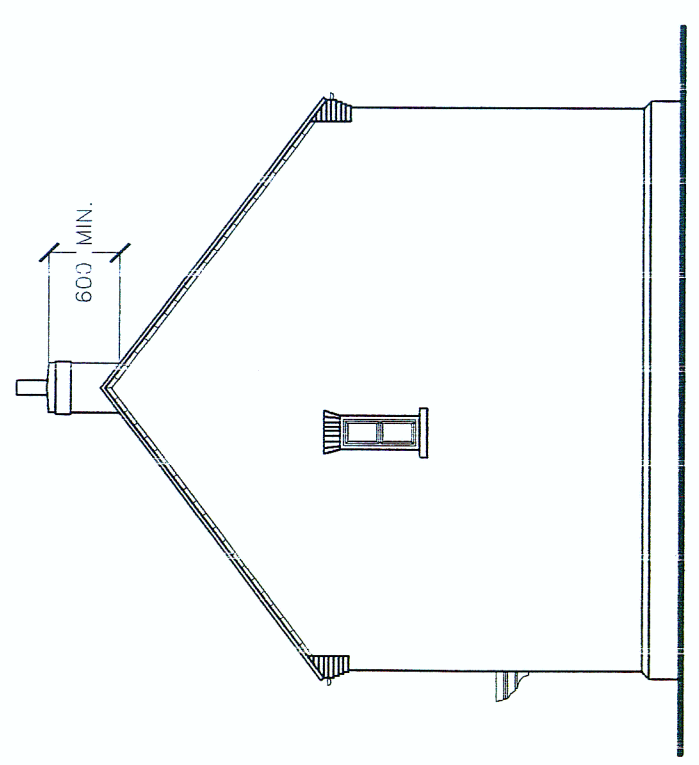
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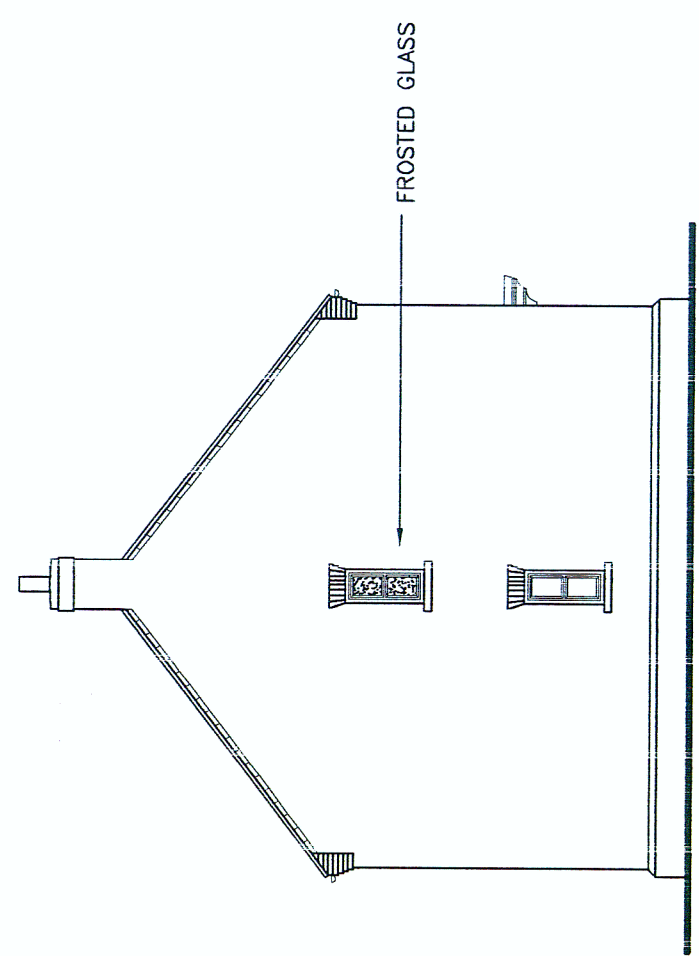
PROJECT	
Development at 91 High Street Chatteris Cambridgeshire	
CLIENT	
J A Investments Ltd	
TITLE	
Proposed 3 Bedroom Detached House (1No)(Plot 1)	
DATE OF ISSUE	1:50 1:100
DRAWN	R.Papworth
CHECKED	
DATE	Oct 2011
SCALE	1:50 1:100
DRAWING NUMBER	
H1555/101 E	



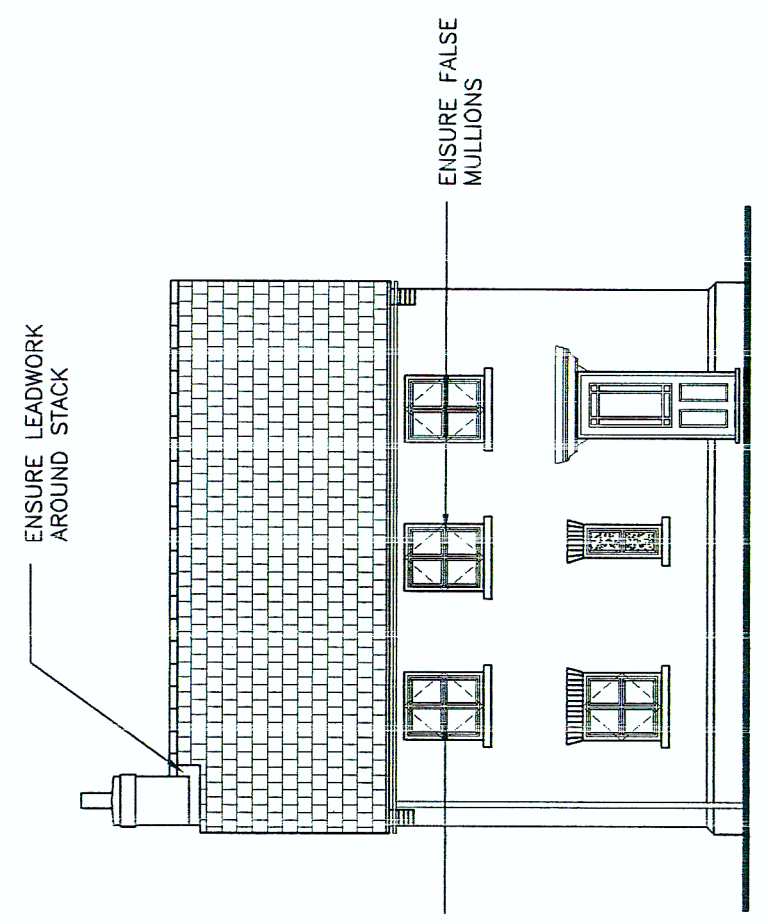
PROPOSED SECTION (1:50)



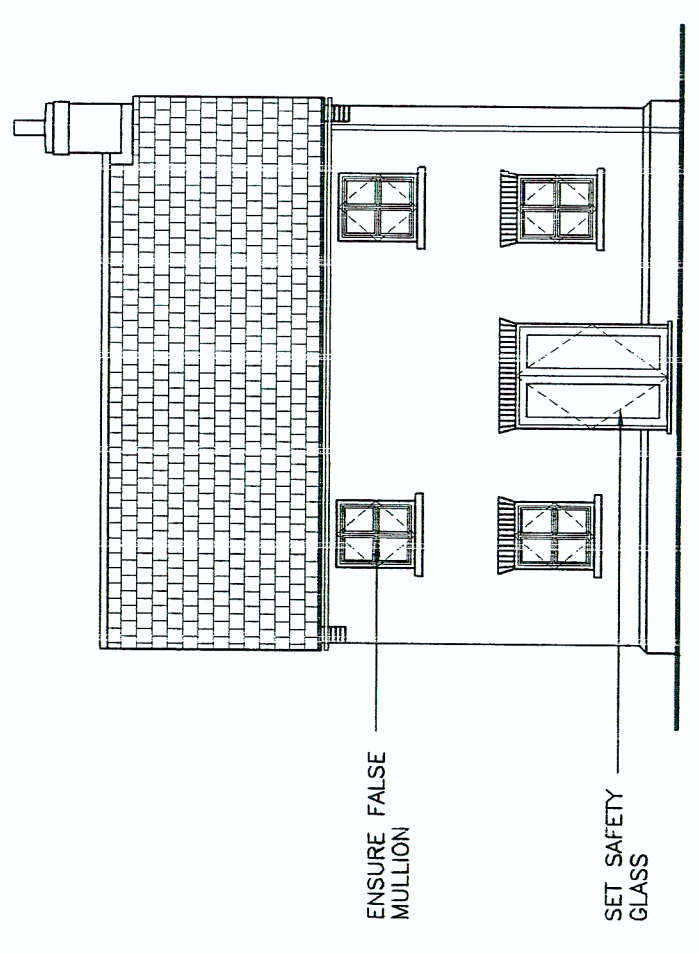
PROPOSED RHS ELEVATION (1:100)



PROPOSED LHS ELEVATION (1:100)



PROPOSED FRONT ELEVATION (1:100)



PROPOSED REAR ELEVATION (1:100)

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 - 5000mm² = 5000mm² TRICKLE VENTS INCORPORATED INTO DOOR / WINDOW FRAME

MATERIALS

ROOF: REDLAND NORFOLK PANTILE
BRECKLAND BROWN 52

WALLS: HANSON HERITAGE BLEND

JOINERY: WHITE UPVC

RWP/GUTTERS: BLACK CAST ALUMINIUM

CILLS: BATH STONE

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 - 5000mm² = 5000mm² TRICKLE VENTS INCORPORATED INTO DOOR / WINDOW FRAME

MATERIALS

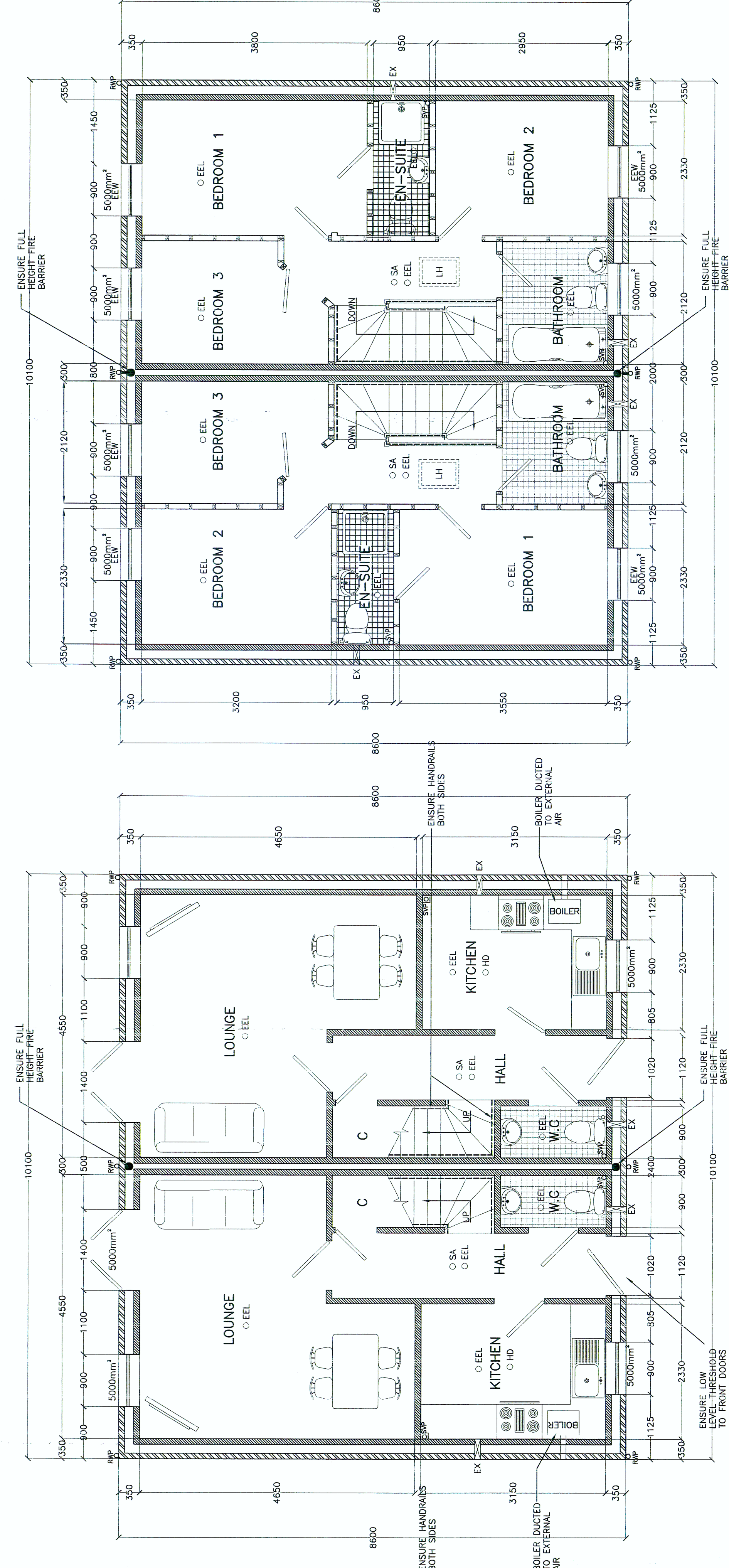
ROOF: REDLAND NORFOLK PANTILE
BRECKLAND BROWN 52

WALLS: HANSON HERITAGE BLEND

JOINERY: WHITE UPVC

RWP/GUTTERS: BLACK CAST ALUMINIUM

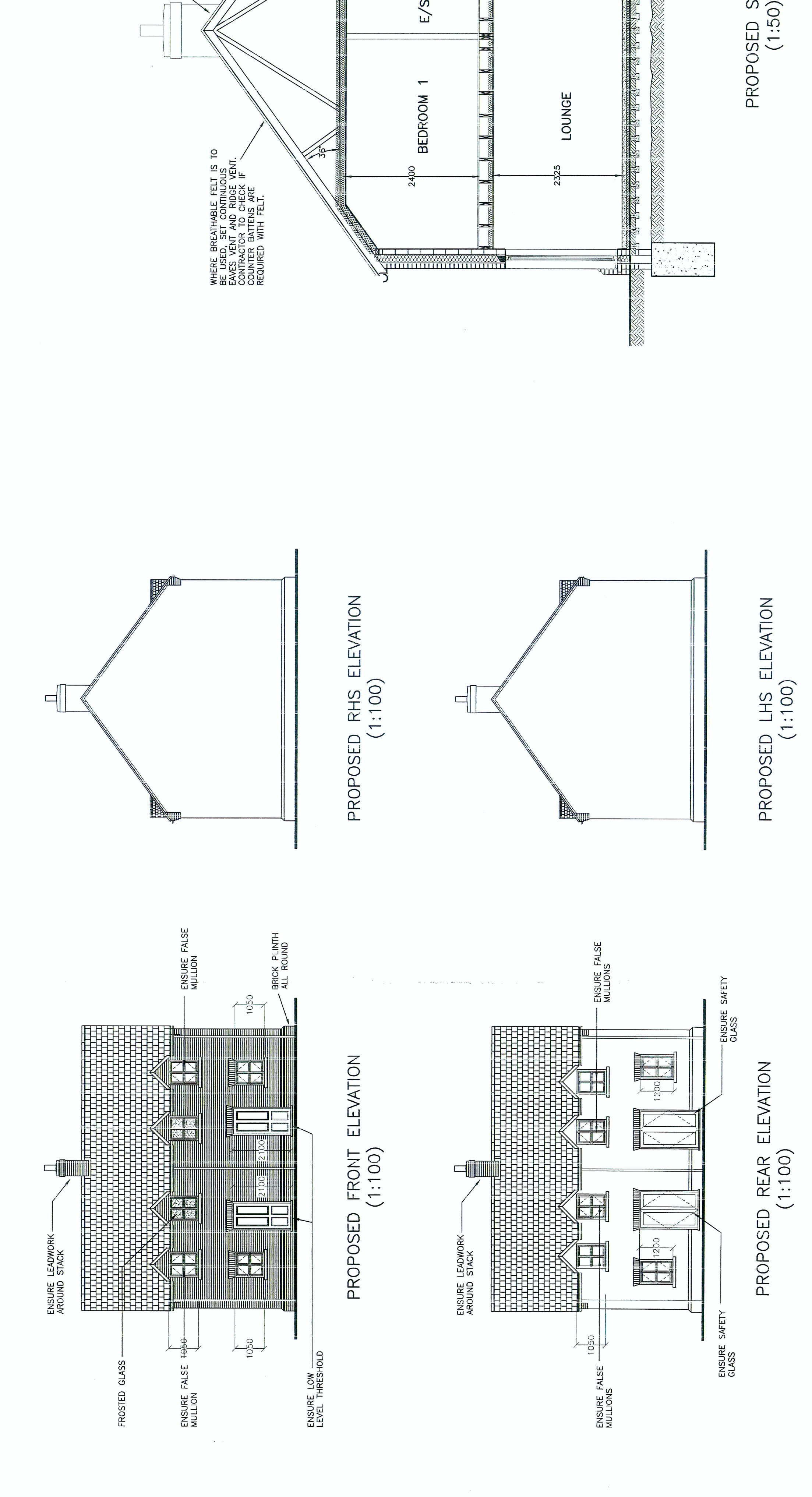
CILLS: BATH STONE



PROPOSED GROUND FLOOR PLAN (1:50)

PROPOSED FIRST FLOOR PLAN (1:50)

PROPOSED SECTION (1:50)



PROPOSED FRONT ELEVATION (1:100)

PROPOSED REAR ELEVATION (1:100)

PROPOSED RHS ELEVATION (1:100)

PROPOSED LHS ELEVATION (1:100)