

Application Number: F/YR13/0744/F
Minor Dwellings
Parish/Ward: March Town Council
Date Received: 30 September 2013
Expiry Date: 25 November 2013
Applicant: Mr I Fulcher

Proposal: Erection of 2 x 3-storey 2-bed dwellings incorporating existing garden as shared amenity space involving the demolition of existing outbuildings

Location: Land south of 2 – 2A Darthill Road, March

Site Area: 0.0295 ha

Reason before Committee: Called in by Cllr Owen as he believes the proposal to be fully compliant with Policy.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for the erection of 2 x 2-bed 3-storey dwellings on land to the south of 2-2A Darthill Road, March. The site presently consists of a detached 2-storey building with some single-storey rear additions which has been divided into two flats known as 2 and 2A Darthill Road since 1991. A Certificate of Lawful Use (Existing) has recently been issued by the LPA for these flats. The land to the south, which is the subject of this application, was the former garden area of No.2 and has been used recently to park cars.

The submission has been subject to pre-application discussions when Officers considered that development of this site will lead to a loss of parking for the original dwelling (which has been converted into flats) and the inability to provide any parking for the new dwellings. Concern was also raised relating to the loss of light into the 2 side windows of No. 2 and the overall impact that a 3-storey dwelling will have on the occupiers of No.2. The applicant was advised that such a proposal could not receive support due to the adverse impact the proposal will have on the street scene and the living conditions of the occupiers of No.2.

The proposal for a 3-storey dwelling, whilst having a similar roof height to neighbouring properties, is completely at odds with the street scene. The new dwelling introduces a gable front into the street scene and the fenestration is out of character with adjoining buildings. The rear bedroom windows will have the potential to significantly overlook the dwelling at 1 Princes Walk.

The resultant development for the site i.e. 2 existing flats and 2 x 2-bed dwellings require a minimum of 6 parking spaces and only 2 spaces are available within the site. The Core Strategy states that where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate.

The new dwellings will be located in close proximity to the existing commercial premises known as Wetherspoons. When Wetherspoons installed their extraction equipment on the north elevation of their premises they carried out an

acoustic noise assessment of their equipment in relation to the existing flats at 2-2A Darthill Road which indicated there would be no noise issues at that premises. The introduction of dwellings closer to the existing extraction units could result in complaints from the intended residents. The development will introduce noise sensitive dwellings closer to the existing noise source which was installed and designed based upon the locality at the time, this development will change that locality and therefore an adequate assessment of the impacts of this noise source is required to determine what, if any, mitigation is required to protect future site users from noise. There is no such noise assessment submitted with the application.

It is considered that the proposal raises significant concerns relating to the design of the dwellings, the impact of the proposal on the living conditions of the occupiers of the flats and the poor quality of the living environment of future occupiers due to the cramped form of development proposed. The proposal fails to deliver a high quality environment as set out in Policy CS16 of the Fenland Local Plan Core Strategy and Policy E8 of the Fenland District Wide Local Plan 1993.

Therefore the application is recommended for refusal.

2. HISTORY

F/YR13/0516/CER	Certificate of Lawful Use (Existing); Change of use of dwelling to 2 No. 1-bed flats	Issue Certificate of Lawful Use 25 September 2013
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3. PLANNING POLICIES

3.1 National Planning Policy Framework:

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

Paragraph 14: Presumption in favour of sustainable development.

Section 7: Requiring Good Design

3.2 Draft Fenland Local Plan Core Strategy:

CS1: Presumption in favour of sustainable development

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

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

3.3 Fenland District Wide Local Plan:

H3 – Settlement Development Area Boundaries

E8 – Proposals for new development.

4. CONSULTATIONS

4.1 **Parish/Town Council:** Recommend approval.

- 4.2 **Local Highway Authority:** No objection in principle: assumes the LPA are satisfied in terms of the loss of off-street parking provision for the existing dwellings given the town centre location.
- Quality, covered and secure cycle parking provision should be made within the curtilage to cater for both the proposed and existing dwellings in order to encourage sustainable travel and reduce the propensity for car ownership.
- 4.3 **Middle Level Commissioners:** Comments are still awaited.
- 4.4 **Environmental Health (FDC):** The Environmental Protection Team note and accept the submitted information and have no objections to the principle of the development, as long as noise is shown not to affect the proposal. The proposal itself is unlikely to have a detrimental effect on local air quality or the noise climate.
- There is a potential for the development to be affected by noise from the commercial activity adjacent. Although the applicants have provided some information regarding noise some further work is required. The development creates a noise sensitive dwelling that is closer to the existing noise source. This noise source was installed and designed based upon the locality at the time, this development will change the locality. An adequate assessment of the impacts of this noise source is required to determine what if any mitigation is required to protect future site users from noise.
- Additionally given that the development involves the demolition of an existing outbuilding and there is a possibility of made ground the unsuspected contamination condition should be imposed.
- 4.5 **Local Residents:** No comments received from neighbours.

5. **SITE DESCRIPTION**

- 5.1 The site is the former garden area of Nos 2 – 2A Darthill Road and is rectangular in shape measuring approximately 5.5 m wide by 24 m long. The southern boundary is the existing flank wall of the Wetherspoons premises and the northern boundary is the existing flank wall of the flats thereby enclosing the site on both sides with high brick structures. The site originally had 2 parking spaces to the front and a set of high gates to provide private amenity space to the rear which have been removed to expose the site.

6. **PLANNING ASSESSMENT**

The key considerations are:

- Policy considerations
- Design and layout
- Other considerations

Policy Considerations

The application site lies close to the centre of March Town and is in a sustainable location close to public transport links.

The NPPF attaches great importance to the design of the built environment and development should contribute positively to making places better for people. Design should be of a high quality and should ensure that development functions well and adds to the overall quality of the area and establish a strong sense of place. Permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.

Whilst assessment of the design of the appearance of a building is subjective, it is the overall design of the scheme which ultimately renders the way the building functions. The LPA considers that this 3-storey building results in a poorly designed scheme with limited private amenity space and will lead to loss of light to the flats. The access doors to the new dwellings are located along a narrow alley only one metre wide which could give rise issues relating to crime and disorder.

The proposal is therefore contrary to the provisions of the NPPF.

Policy CS16 of the Fenland Local Plan Core Strategy seeks to deliver high quality environments which makes a positive contribution to the character of the area and does not adversely impact, either in design or scale terms, on the street scene or settlement pattern. Development should provide sufficient private amenity space suitable to the type and amount of development proposed. As a guide and depending on the character of the area, this means a third of the plot curtilage should be set aside as private amenity space.

The proposal is considered to be contrary to Policy CS16 of the Fenland Local Plan Core Strategy and Policy E8 of the Fenland District Wide Local Plan 1993.

Design and Layout

The dwellings proposed are 3 storey in nature with an overall ridge height of 8.7 metres and provides for 2 x 2-bed dwellings. The dwellings are located in the former garden area of Nos. 2 – 2A Darthill Road. The dwellings will be constructed of buff brick with grey tiled roof and white upvc windows. The front window at first floor level will be formed using a projecting bay window which is uncharacteristic in this area. Similarly the gable front is also at odds with the prevailing street scene.

The windows on the rear elevation, particularly from the third storey have a potential to significantly overlook the dwelling at 1 Princes Walk with the rear wall being only 5 metres from the rear boundary. The rear section of the existing flats is generally single storey in nature with rear first floor windows at a

greater distance away.

Whilst 2 car parking spaces are shown at the front of the property the spaces are only 5.5 m long and this could result in vehicles overhanging the public footpath unless parked tight up to the front lounge window of the front dwelling which will result in a poor outlook from this window for future occupiers of this unit.

A bin store is to be provided along the front of the flats at 2-2A Darthill Road and will again have a negative impact on the street scene to the detriment of the area.

8. CONCLUSION

- 8.1 The development proposed will result in a cramped form of development due to the restricted size of the site and the form and scale of the proposed dwellings. The proposal fails to deliver a high quality environment by the lack of private amenity space, the lack of parking spaces and the impact the development will have on the street scene.

The design is not commensurate with the character of the street scene and will not make a positive contribution to the area. The impact the development will have on the flats is significant by virtue of the closeness of the new build and the loss of light to the side windows. The rear top floor windows are located only 5 metres from the boundary and there is a potential for overlooking to neighbouring properties.

The proposal does not give clear evidence that there will be no noise pollution from the existing extraction equipment located on the north elevation of the adjoining commercial building. It is important that the applicants prove that the new noise sensitive dwellings will not be affected by this equipment which could result in residential amenity issues for future occupiers. Therefore a noise assessment should be carried out by the applicant to prove that the dwellings will not experience unacceptable noise nuisance.

9. RECOMMENDATION

REFUSE:

1. **The proposal will result in a form of development that fails to assimilate into the street scene by virtue of the scale and cramped form of development. The proposal fails to provide adequate private amenity space and the parking spaces will have a potential for noise and disturbance to the occupiers of the dwellings due to their location immediately to the front of the ground floor lounge windows. The proposal is therefore considered to be contrary to Policy E8 of the Fenland District Wide Local Plan 1993 and Policy CS16 of the Fenland Local Plan Core Strategy September 2013.**

- 2. The proposal fails to demonstrate that the future occupiers of the dwellings will be immune from possible noise disturbance due to the location of the commercial extraction equipment on the neighbouring building. Therefore the proposal is contrary to Policy E20 of the Fenland District Wide Local Plan 1993 and Policy CS16 of the Fenland Local Plan Core Strategy September 2013.**

- 3. The development has a potential for significant overlooking from the rear bedroom windows to neighbouring properties and is therefore contrary to Policy E8 of the Fenland District Wide Local Plan 1993 and Policy CS16 of the Fenland Local Plan Core Strategy September 2013.**