

F/YR15/0741/F

Applicant: Mr & Mrs N Hills

Agent : Mr Craig Brand

Land South Of 64A, Mill Road, Whittlesey, Cambridgeshire

Erection of a 2-storey 5-bed detached dwelling with detached double garage involving demolition of existing garage

Reason for Committee: This application is before planning committee because of the number of letters received supporting the application.

1 EXECUTIVE SUMMARY

The application seeks full planning permission for the erection of a large executive style home on a backland site.

The character of Mill Road/ New Road in this locality is distinguished by the large rear gardens. This large two storey executive dwelling will mostly fill the equivalent of two garden widths and therefore by reason of its scale and location would diminish the distinctiveness and character of the area, failing to enhance or improve the local setting or make a positive contribution to or improve the character of the area. The new access is also unsuitable. The principle of backland development in this location is therefore unacceptable as it would be contrary to the requirements of Policy LP16 (d) and also of LP16(e).

In this instance the overall bulk and massing of the proposal created from the width, depth and height of this executive dwelling and garage would have an unacceptable impact on the outlook from the properties to the north and south of the proposal site. There would also be an unacceptable level of overlooking due to the number and location of the windows proposed to the north and south elevations. The cumulative impact of the proposal by reason of its detrimental effect on the amenity of the occupiers of several properties in the locality would be contrary to Policy LP2 and LP16 (e) which seek to ensure that development does not adversely affect the amenity of neighbouring users.

The recommendation is to refuse the application.

2 SITE DESCRIPTION

The site lies to the south of Mill Road Whittlesey and comprises the rear garden of No 64a, a modest two storey detached dwelling. The dwelling is set back from the road with a linked single garage. Permission has been granted for the demolition of the garage, which will open up access to the rear garden, and a replacement double garage within the rear garden.

In the general locality the rear gardens are long but this site is also much wider than normal because it includes garden previously associated with No 66 and No 68. The application site also "wraps around" the rear of these two neighbouring properties.

The eastern boundary consists of 2m high close boarded fencing and tall Leylandii hedging (approx. 3.5m high). The western boundary consists of a brick walling, decorative concrete blocks and wooden fencing between 1.8 and 2m high. The rear southern boundary consists of wire fencing with some mature hedging. A brick outbuilding is adjacent to the rear boundary.

The surrounding area is residential in character but mixed in terms of the age, size and design of the dwellings. To the front is a low brick wall at the back edge of the pavement. The site lies within Flood Zone 1.

In 2012 a planning application was refused and dismissed at appeal for the demolition of No 64a and the erection of 5 x modest two storey, 3 bed detached dwellings, set out in a cul de sac. The Inspector considered that the proposal was not acceptable as it would: result in a cramped appearance which would be at odds with the surrounding area; and cause overlooking of the middle parts of the gardens of No 64 and No 70 resulting in a loss of privacy to the occupiers of these dwellings.

3 PROPOSAL

In July 2015 outline planning permission was refused under delegated powers for a large executive home. As this was in outline only, few details were submitted other than the siting and footprint of the new dwelling. This proposal is a full application for an executive detached dwelling, similar in footprint and siting to the outline proposal refused in June 2015. The proposal includes:

- A two storey, 5 bedroom dwelling house, width 20m, depth 12.25m (maximum) and height 8.2m to the ridge;
- A detached garage 6.1m x 6.7m with ridge height of 6.4m;
- A new shared access to serve both the proposal site and rear garage and garden to No 64a.

The proposed materials are:

- Bricks- Ibstock Leicester Multi Cream;
- Roof tiles-Marley Double Roman in smooth grey;
- Windows and doors- cream uPVC;
- Dormer window walls are render with false timbers;
- Landscaping- brick walls and timber fences; and new hedging to reduce overlooking;
- New access- hot rolled asphalt with white chippings (to reduce noise);
- Private drive- pattern textured concrete. Six parking spaces are to be provided.

4 SITE PLANNING HISTORY

F/YR15/0382/O Erection of a 2-storey detached dwelling with detached garage involving demolition of existing garage. Refused 22/07/2015.

F/YR15/0023/F: Erection of a detached double garage with storage above involving the demolition of attached garage to existing dwelling. Granted 26/02/2015.

F/YR11/0439/O: Erection of 5 dwellings involving demolition of existing dwelling and garage. Dismissed on Appeal 10/07/2012.

5 CONSULTATIONS

Whittlesey Town Council

No objection

FDC Scientific Officer

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. However as the proposal involves the demolition of an existing out building a precautionary condition is suggested.

Highways Officer

No highways objections subject to: the vehicular access being constructed in accordance with CCC specifications; the required visibility splays being provided and maintained each side of the vehicular access; and on-site parking /turning being provided and maintained in accordance with the approved plan.

Local Residents/Interested Parties

Objectors

Four letters of objection have been received. Concerns include;

- Detrimental impact on the privacy and amenity of Nos 64, 64a, 66, and 70 Mill Road, and No 47 New Road;
- Loss of the conifers along the eastern site boundary would remove privacy to rear garden of No 70;
- The safety of the new and intensified access/ egress;
- Pedestrian safety following the widening of the access;
- Cars park on the side of the road, obscuring visibility, which cannot be controlled;
- Design of the executive dwelling is at odds with the surrounding properties and would be intrusive and a blot on the landscape;
- Devaluation of property in the vicinity;
- The position of the dwelling is not similar to other backland development;
- Allowing this development would open the flood gates for other backland development along Mill Road;
- Noise will be created from vehicles attempting to manoeuvre into the garages; and
- Detrimental impact on views from the garden of No 62;

Supporters

Six letters of support have been received for the proposal. Reasons for support include:

- The proposal will not be seen from Mill Road;
- Will not cause any issues along Mill Road as there is adequate parking provided and better turning facilities which allows vehicles to leave in forward gear;
- Support for the design/ new family home;
- Reduction in number from 5 dwellings to one dwelling is an improvement;
- The new differentiated pedestrian access to the rear of No 66 is an improvement to existing which can become blocked; and
- No overlooking or disturbance to No 66

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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.

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

Paragraph 53: Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 58: Decisions should aim to ensure that developments function well and add to the quality of the area, respond to local character and history, create safe and accessible environments, are visually attractive as a result of good architecture.

Paragraph 131: Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

National Planning Policy Guidance (NPPG)

Fenland Local Plan (2014)

LP1: Presumption in favour of sustainable development.

LP2: Health and Wellbeing

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP11: Whittlesey

LP16: Delivering and Protecting High Quality Environments across the District

7 KEY ISSUES

- **Principle of Backland Development**
- **Design/Amenity**
- **Access**
- **Other**

8 ASSESSMENT

Principle of Backland Development

As the site is within the built framework of Whittlesey, the key considerations are whether the location and access are suitable for backland development.

The previous appeal decision is a material consideration. The Inspector considered that backland development forms an established part of the character of the surrounding area and found the principle of residential development to the rear of No 64A to be acceptable.

However, the two schemes are materially different with regard to the number and size of the dwellings, and the access. Although this site and the appeal site are similar, the key difference is that in this case No 64a is to be retained whereas the appeal proposed its demolition. This affects the access.

The retention of No 64a would result in a contrived access to get to the proposal site where the road width would only be 3.2m (between the side elevation of the house and the boundary with the rear garden of No 66).

This part of the new access is unsuitable and therefore renders the principle of backland development unacceptable as it would be contrary to the requirements of Policy LP16 (d) and also of LP16(e) which requires proposals not to impact on the amenity of neighbours.

Nos 36 to 70 Mill Road and No 41a to 57 New Road have long rear gardens, which is a key characteristic of the locality. Although there is some backland development to the east of the site, these are in the main part of a comprehensively planned development with access via a cul de sac. It should be noted that the appeal proposed a cul de sac of 5 x 3 bed dwellings. The width of this executive dwelling is equivalent to the width of approximately 3 of these 3 bed homes.

Since the appeal, there has been a material change to the development plan with the adoption of the Fenland Local Plan 2014 and specifically Policy LP16 (d) which sets out detailed requirements of development proposals within the district.

The character of Mill Road/ New Road in this locality is distinguished by the large rear gardens. This large two storey executive dwelling will mostly fill the equivalent of two garden widths and therefore by reason of its scale and location would diminish the distinctiveness and character of the area, failing to enhance or improve the local setting or make a positive contribution to or improve the character of the area. The proposal would therefore be contrary to Policy LP16 (d).

For the above reasons, the previous appeal decision should be given limited weight in the determination of this application.

Design/ Amenity

Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. Policy LP2 and LP16 (e) seek to ensure that development does not adversely affect the amenity of neighbouring users.

The front of the property faces north, towards Mill Road and the rear gardens and rear elevations of Nos 62, 64, 64a, 66, 68 and 70- to a greater or less extent. But on the whole the orientation of the main rooms and windows, especially at first floor level, will face south towards New Road and the rear of Nos 47, 53,55 and 57.

The exceptions are: two bathroom dormer windows to the east and west elevation. Both have obscured glazing; and a landing window which north. At ground floor level, bedroom 1 includes a large window facing north. There is some potential for overlooking from these windows.

The properties affected are Nos 70, 64a and 64. The proposed garage and the approved garage would shield No 70 to some extent. However, window to window distance is between 21m and 30m to Nos 64 and 64a. There is no minimum distance set out in planning policy and each case should be assessed on its own merits. It is noted that a columnar evergreen hedge is proposed as part of the new enclosure to the reduced rear garden of No 64a. The intention is to maintain the hedge at a height of 5m. This could, in time, reduce the extent of the overlooking.

The orientation of the main rooms and windows, especially at first floor level, will face south towards New Road and the rear of Nos 47, 53, 55 and 57. These properties have similar rear gardens to the properties on Mill Road. Therefore with regard to privacy issues and overlooking, the detrimental impact relates mainly to the number of the windows which would overlook the rear gardens of these properties.

The cumulative detrimental impact of the proposal by reason of its effect on the amenity of the occupiers of several properties in the locality would be contrary to Policy LP2 and LP16 (e) which seek to ensure that development does not adversely affect the amenity of neighbouring users.

The applicant has provided examples of the ridge height of properties in the vicinity and of other sites where backland development has been approved. The ridge heights range from 7.6m to 9m. The proposal is 8.2m. It is accepted that, although the proposal is a dormer style dwelling, the ridge height is not out of keeping with the locality. But it must be considered alongside the overall size of the property. In this instance the overall bulk and massing of the proposal created from the width, depth and height of the executive dwelling, would have an unacceptable impact on the outlook from the properties to the north of the proposal site, namely Nos 64, 64a and 70 Mill Road and to some extent from the rear garden of No 62. Similarly, the cumulative impact of the proposed garage and replacement garage which are similar in size would add to the detrimental visual impact.

The proposed development would not provide acceptable living conditions for existing or future occupiers. Therefore the proposal would be contrary to Policy LP2 which states that development should promote high levels of residential amenity and LP16(e) which requires proposals not to impact on the amenity of neighbours.

Access/ Highways

Planning permission has been granted for the demolition of the linked garage and erection of a new double garage to the garden of 64A. This will provide vehicular access to the rear. Unlike the appeal proposal, the existing dwelling will be retained. Therefore a key consideration is whether the proposed access adjacent to the existing property, as well as the visibility splays and parking arrangement for both properties is satisfactory and whether there are any detrimental impacts on neighbouring properties and the vicinity.

The Highways Officer has no objection subject to conditions relating to surfacing and visibility splays. Any increase in vehicle movements associated with the proposed dwelling would be limited and there is no indication that the proposal would be likely to give rise to a material increase in traffic congestion, on-street parking or pavement parking.

The applicant contends that the access width of 3.2m between the side elevation of No 64a and the garden fence of No 66 has already been approved by the replacement garage permission. The two proposals are materially different in terms of the number of vehicular movements and the number of properties which the access will serve.

It is considered that due to the retention of No 64a, the access width is not acceptable. It would result in a contrived access width of 3.2m to the proposal site

between the side elevation of the house and the boundary with the rear garden of No 66. Although asphalt surfacing is proposed to reduce noise from vehicle movements, it is considered that this is unacceptable as it would be contrary to the requirements of Policy LP16 (d) and (e), and LP2 which require proposals not to impact on the amenity of neighbours.

Other

The applicant states that he wishes to relocate from Coates to Whittlesey for schooling and other extra-curricular activities. Policy LP2 promotes the creation of the right mix of houses to meet people's needs. Whilst there would be no objection in principle to a large dwelling, LP2 also states that this should be in the right location. In this instance the site is not the right location for this executive home. The applicant owns No 64a Mill Road- the appeal site. There is ample scope to extend this property to deliver the amount of accommodation needed for the applicant's large family.

9 CONCLUSIONS

The character of Mill Road/ New Road in this locality is distinguished by the large rear gardens. This large two storey executive dwelling will mostly fill the equivalent of two garden widths and therefore by reason of its scale and location would diminish the distinctiveness and character of the area, failing to enhance or improve the local setting or make a positive contribution to or improve the character of the area. The new access is also unsuitable. The principle of backland development in this location is therefore unacceptable as it would be contrary to the requirements of Policy LP16 (d) and also of LP16(e).

In this instance the overall bulk and massing of the proposal created from the width, depth and height of this executive dwelling and garage would have an unacceptable impact on the outlook from the properties to the north and south of the proposal site. There would also be an unacceptable level of overlooking due to the number and location of the windows proposed to the north and south elevations. The cumulative impact of the proposal by reason of its detrimental effect on the amenity of the occupiers of several properties in the locality would be contrary to Policy LP2 and LP16 (e) which seek to ensure that development does not adversely affect the amenity of neighbouring users.

The recommendation is to refuse the application.

10 RECOMMENDATION

1. Policy LP16 (d) of the Fenland Local Plan requires new development to make a positive contribution to local distinctiveness and character of the area, improve the character of the local built environment and not adversely impact on the street scene. The proposed development of the rear garden of No 64A Mill Road would result in an incongruous form of development which would fail to make a positive contribution to the local distinctiveness and character of the area nor respect the local setting. The overall bulk and massing of the proposal created from the width, depth and height of the proposed dwelling would also lead to a cramped and overdeveloped appearance when viewed in the context of the surroundings. The application is therefore contrary to policy LP16 part (d) of the Fenland Local Plan and paragraphs 53 and 58 of the NPPF.

2. Policies LP2 and LP16 (e) of the Fenland Local Plan require new development to promote high levels of residential amenity. The proposed development would

not provide acceptable living conditions for the occupiers of No 64, 64A and 70 Mill Road due to the detrimental visual impact of the proposal on the rear outlook of these properties. There would also be an unacceptable level of overlooking due to the number and location of the windows proposed to the north and south elevations. The cumulative impact of the proposal by reason of its detrimental effect on the amenity of the occupiers of several properties in the locality including No 64, 64A and 70 Mill Road, and Nos 47, 53, 55 and 57 New Road would be contrary to Policies LP2 and LP16 (e) of the Fenland Local Plan and paragraphs 53 and 58 of the NPPF.

3. Policy LP16 (d) of the Fenland Local Plan requires new development to make a positive contribution to local distinctiveness and character of the area, improve the character of the local built environment and not adversely impact on the street scene. The retention of No 64a would result in a contrived access to the rear garden. In this instance the proposed access is unsuitable and renders the principle of development at the rear of No 64a unacceptable as it would be contrary to the requirements of Policy LP16 (d) above and also of LP16(e) which requires proposals not to impact on the amenity of neighbours.

Case Officer	Team Leader
Date:	Date:



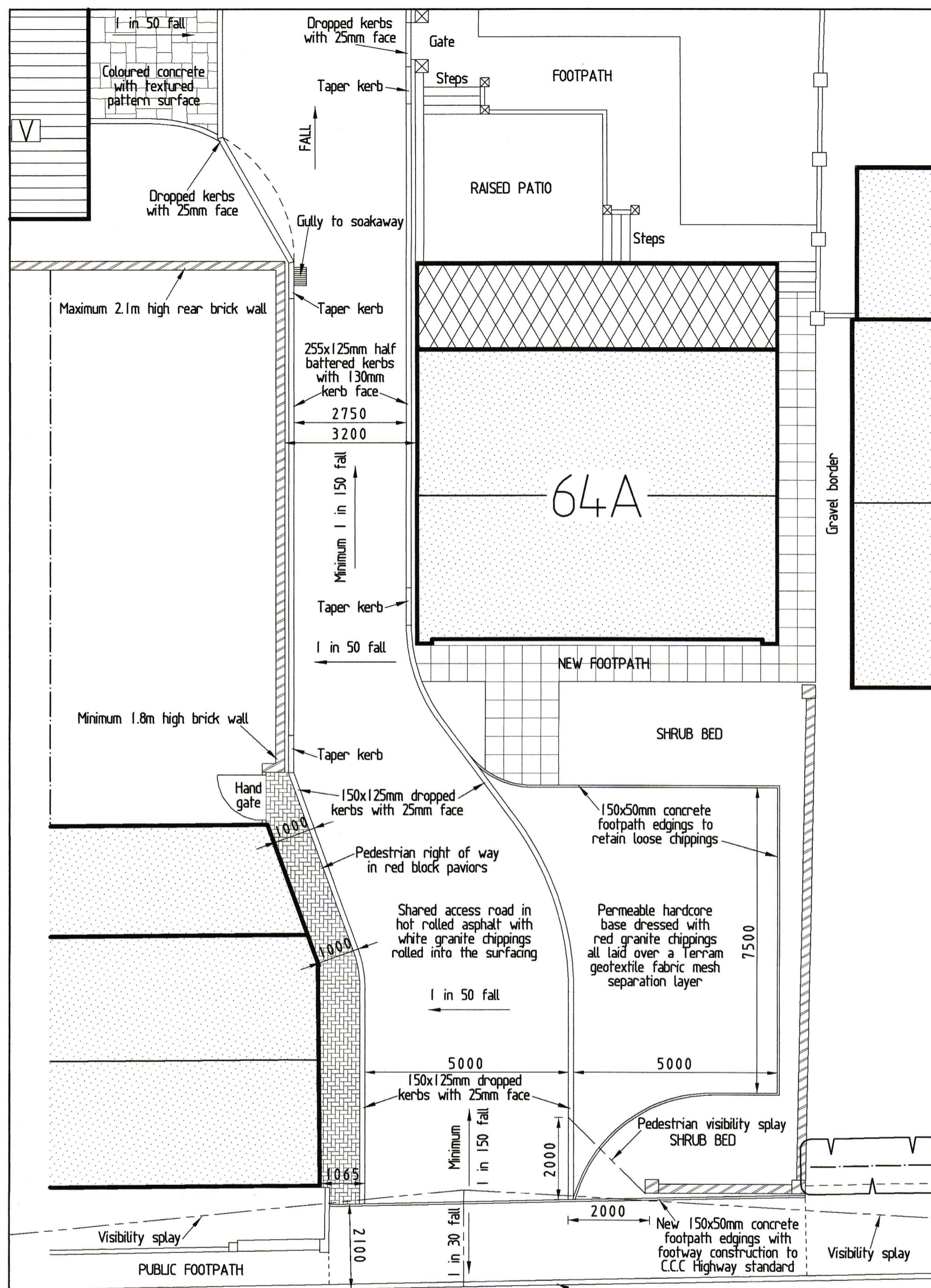
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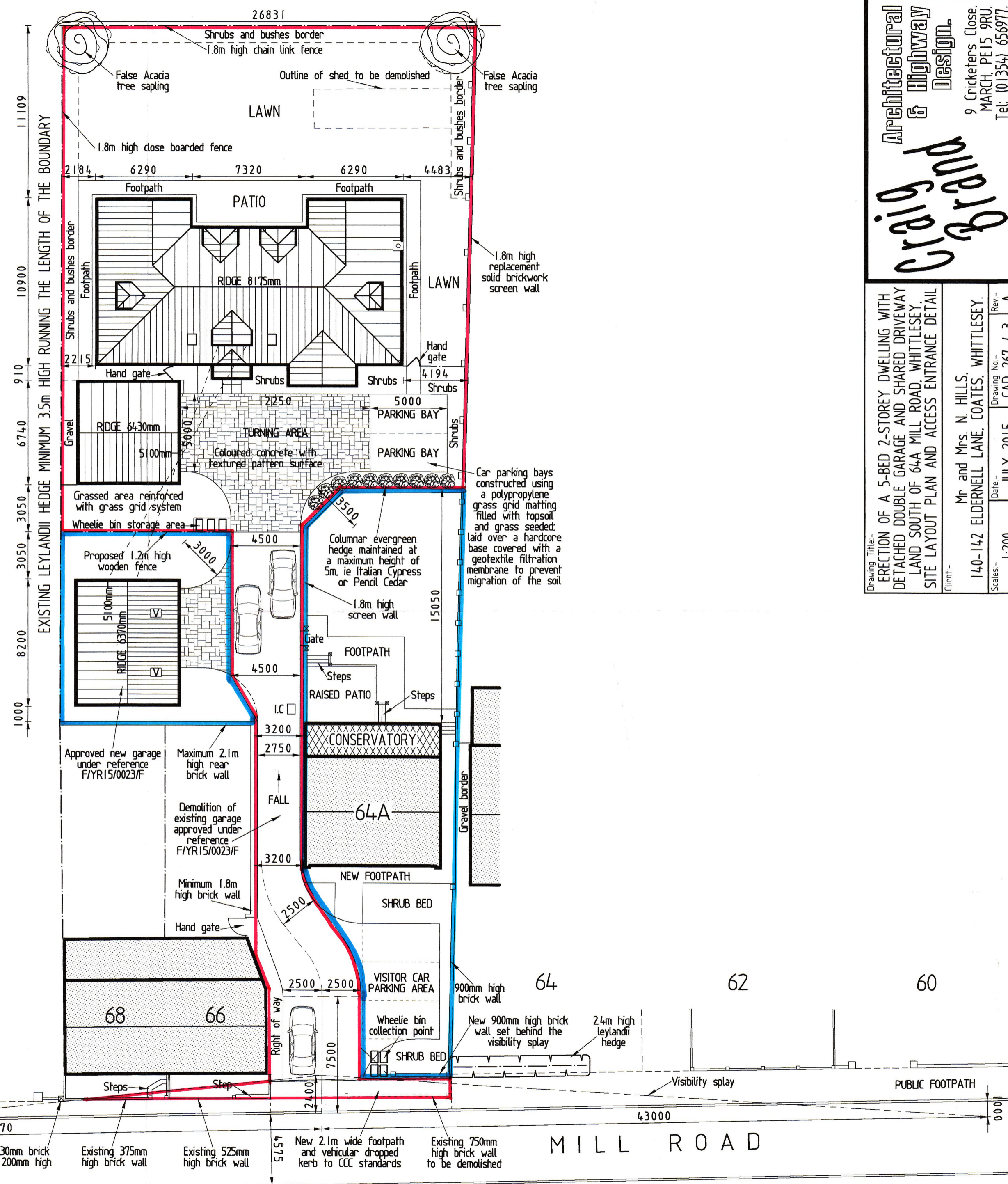
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SHARED VEHICULAR ACCESS ARRANGEMENT Scale 1:100



SITE LAYOUT PLAN Scale 1:200

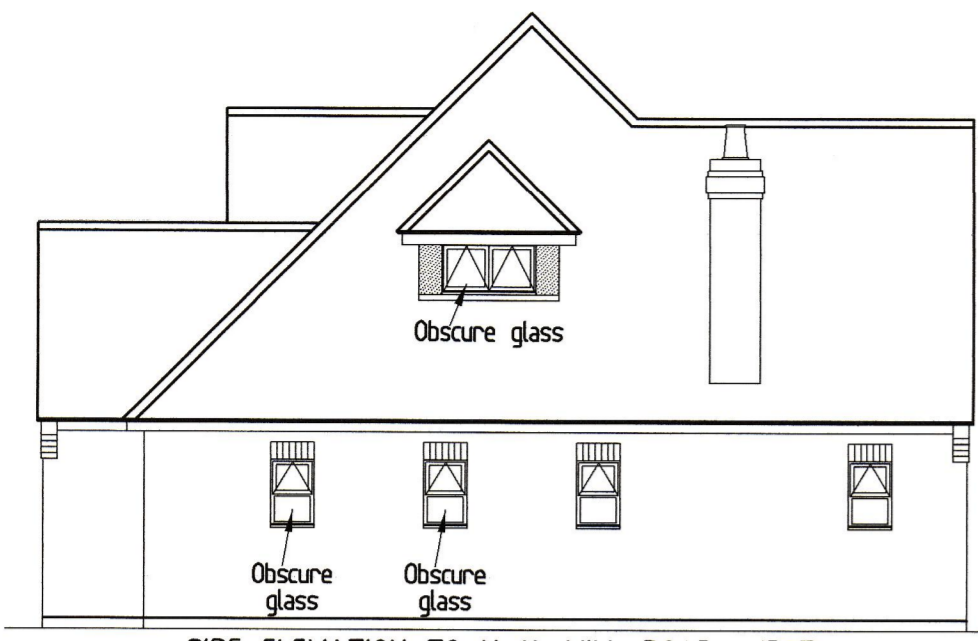
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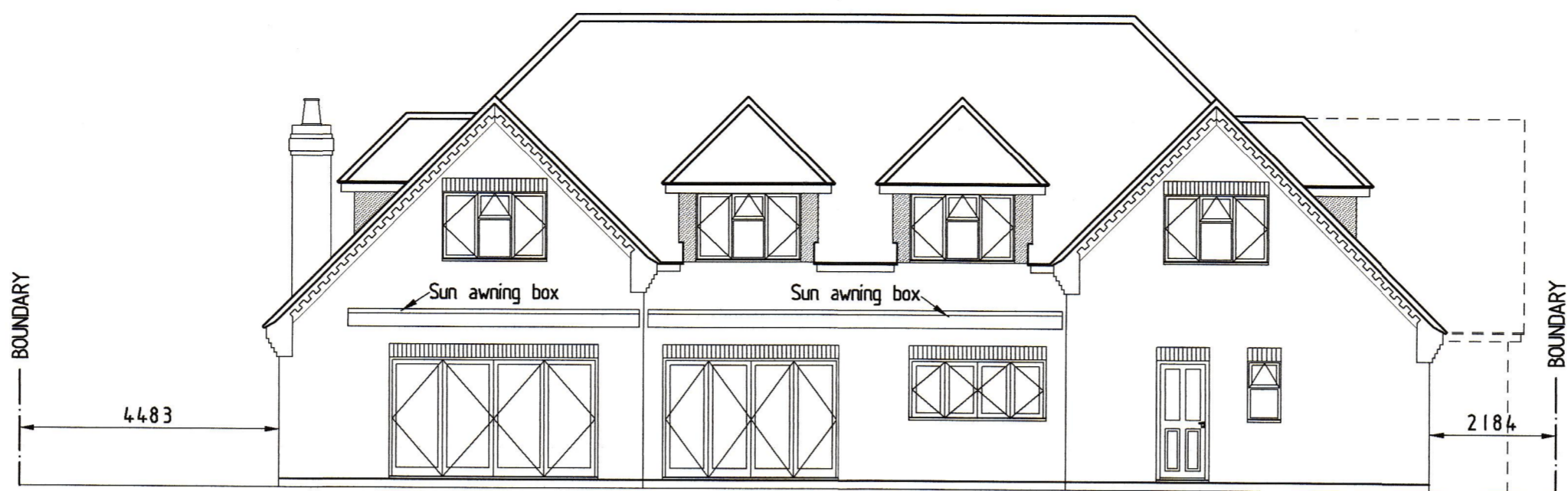
Client: Mr and Mrs. N. HILLS,
 140-142 ELDERNELL LANE, COATES, WHITTLESEY

Date: JULY 2015
 Drawing No: CAD 267 / 3
 Scale: 1:200
 Rev: A

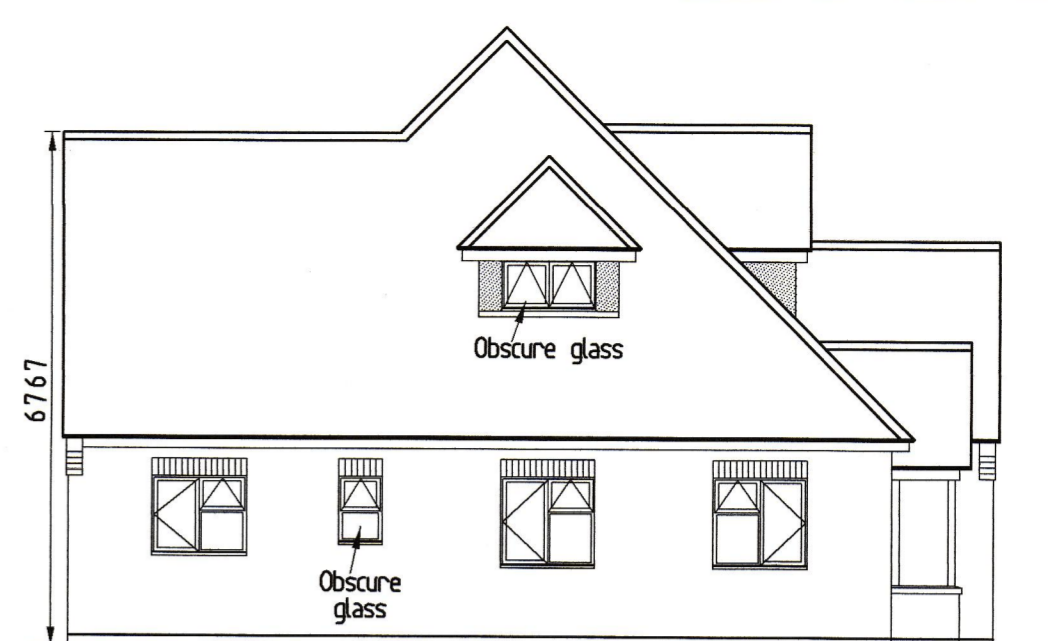
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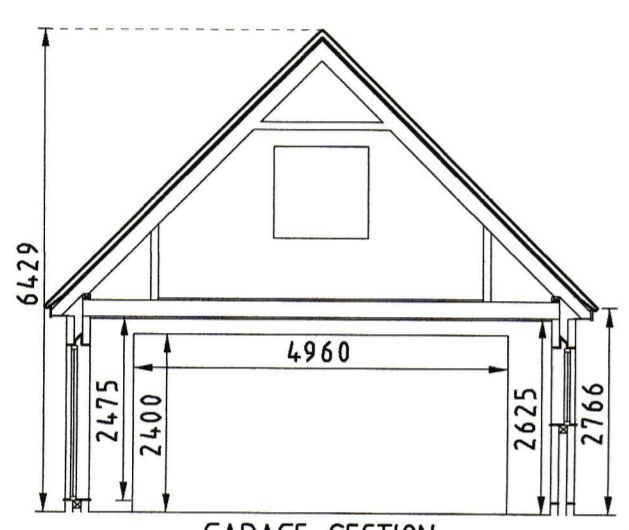
SIDE ELEVATION TO No64 MILL ROAD (WEST)



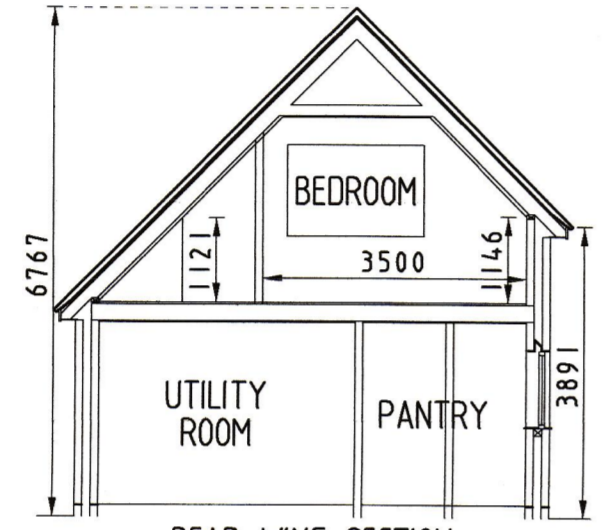
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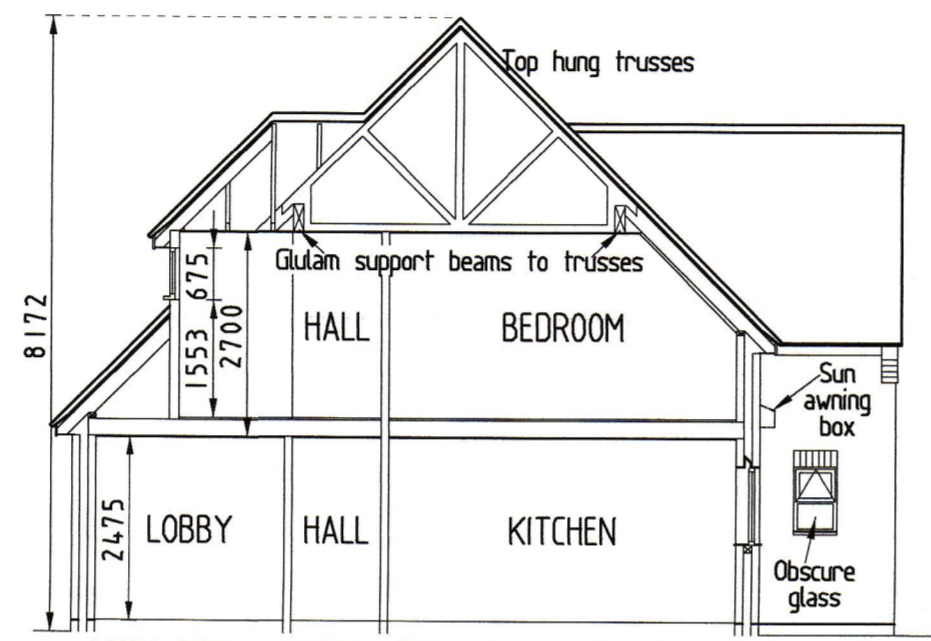
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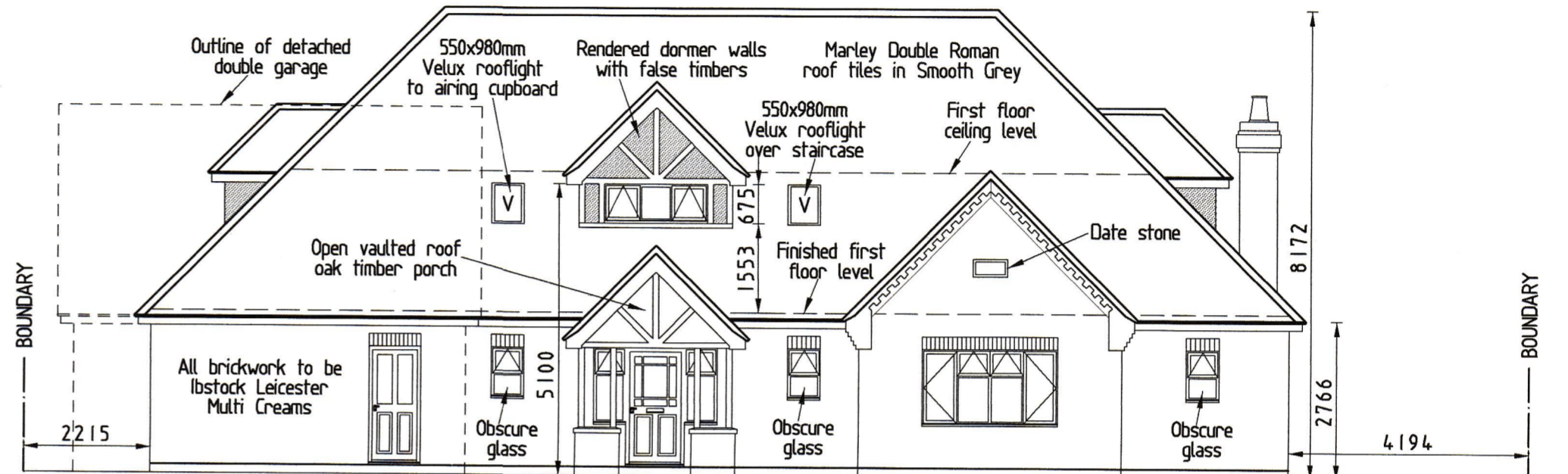
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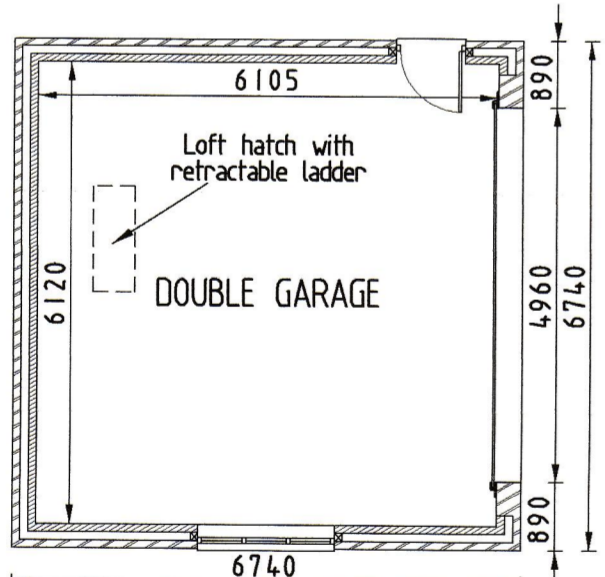
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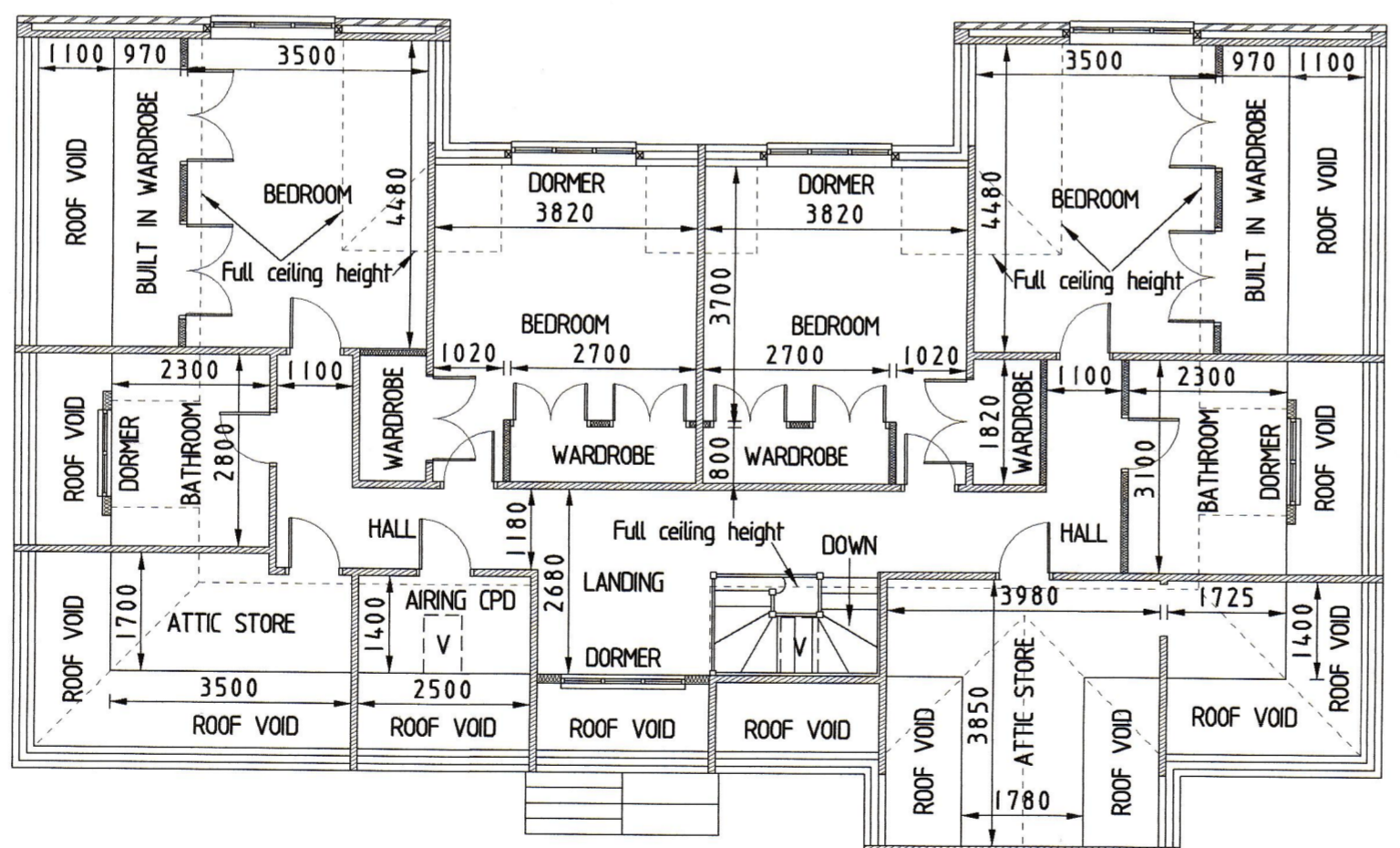
MAIN BODY SECTION THROUGH LOBBY/LANDING DORMER



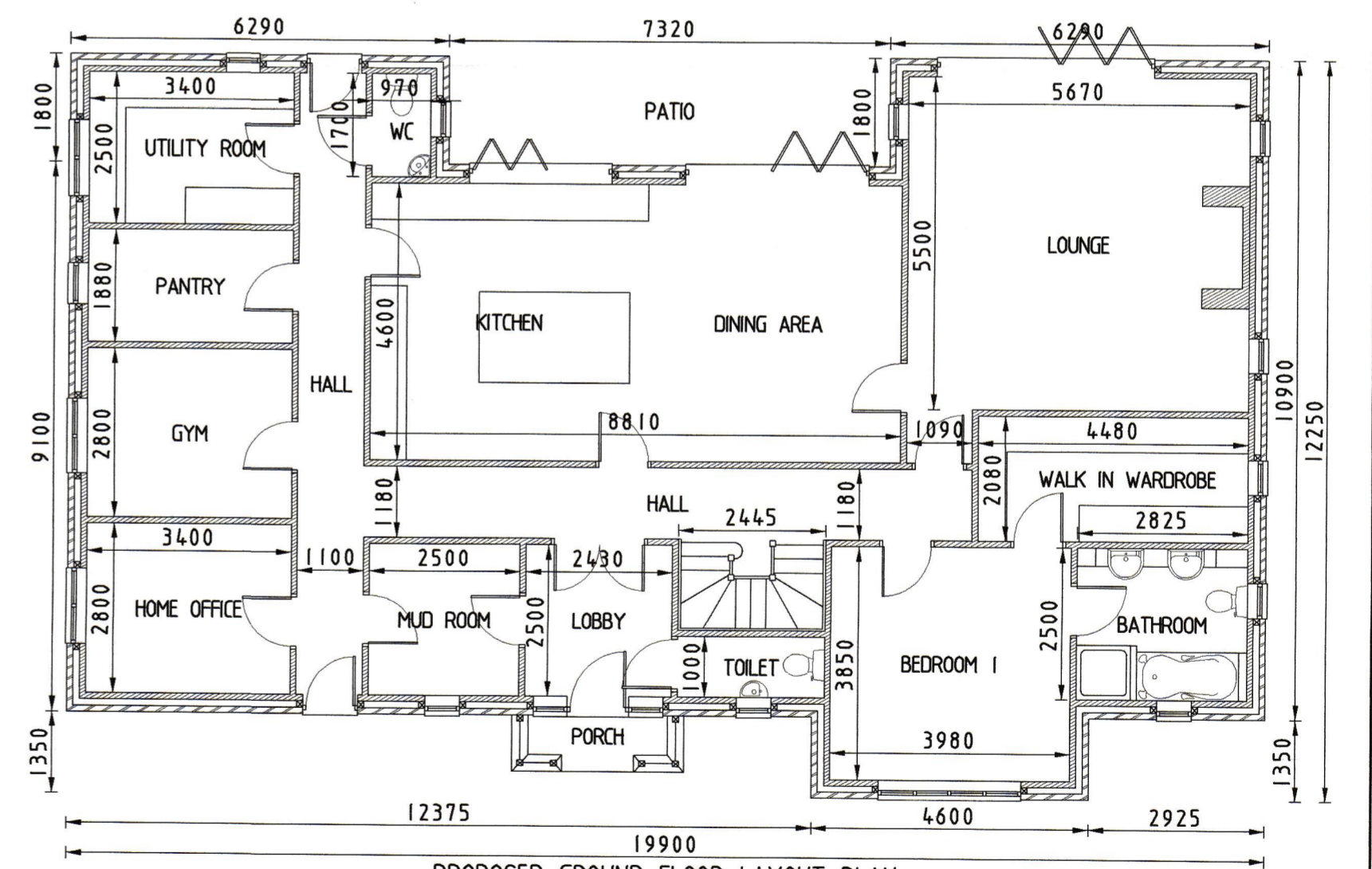
FRONT ELEVATION TO MILL ROAD (NORTH)



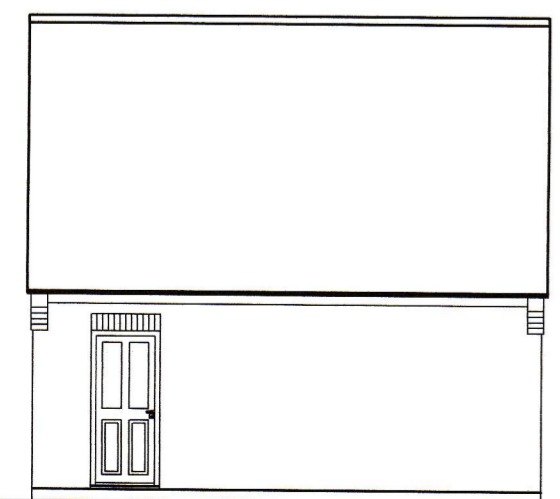
PROPOSED FLOOR LAYOUT PLAN



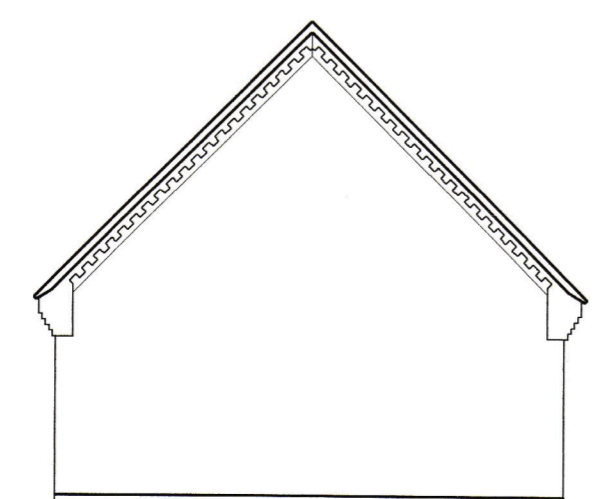
PROPOSED FIRST FLOOR LAYOUT PLAN



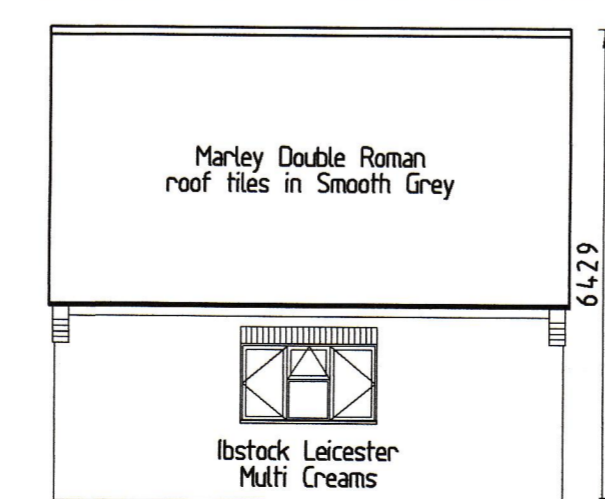
PROPOSED GROUND FLOOR LAYOUT PLAN



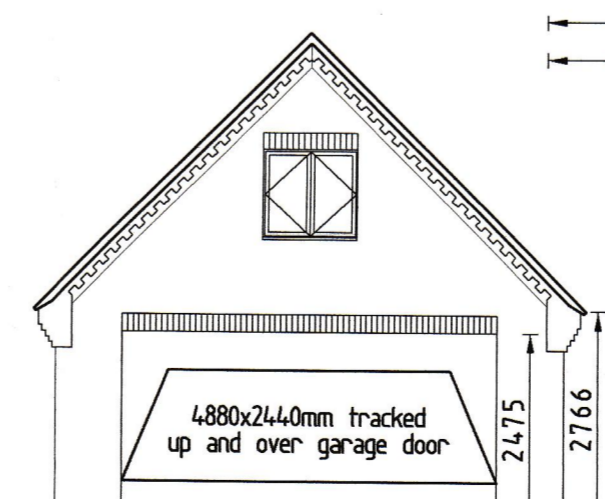
ELEVATION FACING PROPOSED HOUSE



ELEVATION FACING 70 MILL ROAD



ELEVATION FACING 66 & 68 MILL ROAD



ELEVATION FACING 64 MILL ROAD

Drawing Title:-
ERECTION OF A 5-BED 2-STOREY DWELLING WITH DETACHED DOUBLE GARAGE AND SHARED DRIVEWAY LAND SOUTH OF 64A MILL ROAD, WHITTLESEY, DWELLING AND GARAGE DETAILS

Client:-
 Mr and Mrs. N. HILLS,
 140-142 ELDERNELL LANE, COATES, WHITTLESEY.

Scales:- 1:100 Date:- JULY 2015 Drawing No:- CAD 267 / 4 Rev:-

Craig Brand Architectural & Highway Design.

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