

APPLICATION NO. 19/00988/FL

APPLICATION Application for the construction of a detached 2 bed bungalow (revised scheme of 18/00685/FL) (Amended Plans)

LOCATION 17 Green Lea Dronfield Woodhouse Dronfield S18 8YA

APPLICANT Mr & Mrs Kavanagh

CASE OFFICER Aspbury Planning – Denise Knipe MRTPI

DATE RECEIVED 30 September 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Foster and Councillor Hall.

REASON: Due to the level of public interest and that the revised application has changed from when the inspector determined the Appeal.

The Site Inspection Group is to visit the site to assess the impact of the proposal on the character and appearance of the area and the amenity of adjoining property owners.

1.0 SITE DESCRIPTION

- 1.1 The application site is located to the rear of No.17 Green Lea which is a bungalow situated on a corner plot within a residential area and the settlement development limits for Dronfield.
- 1.2 Green Lea is a cul-de-sac comprising of detached single storey dwellings constructed from brick and stone with low front boundary walls enclosing private amenity space. Properties located on the northern boundary of the highway are bound by the open countryside.
- 1.3 The general character of the area is open with properties benefiting from significant front amenity areas, generally side and recessed parking and garaging and reasonably sized private amenity areas.
- 1.4 Modifications to the primary building, No.17, have been undertaken recently following planning consent being granted (NED/18/00684/FLH refers) which involved blocking up of rear windows and the insertion of patio doors on the side elevation, a garden shed and the creation of a new patio seating area within the side garden. Close boarded fencing to the height of approximately 2 metres has been erected around the perimeter of the site bound by the pavement and a laurel hedge has been planted between the low wall and the screen fencing.

2.0 PROPOSAL

- 2.1 The proposal seeks full planning permission for the subdivision of the plot and the construction of a two bedroom bungalow to the rear of the primary dwelling.

- 2.2 The proposed bungalow would sit alongside No.19 but be set slightly further forward of the front elevation of No.19 (by 0.55m) but remaining generally consistent with the staggered building line leading up to the head of the cul-de-sac. The dwelling would be sited gable end on to the street, having a side entrance doorway. This is typical of the character of the area.
- 2.3 The bungalow is shown to be constructed from facing brick work and natural stone with a tiled roof which responds to the local materials.
- 2.4 Parking would be provided to the front of the proposed bungalow for 2 no. vehicles and a small landscaped amenity area provided at the front and a private garden to the rear of approximately 76 square metres.

3.0 AMENDMENTS

- 3.1 During the course of the application amended plans have been received which reduce the overall length of the dwelling by 2.3 metres and the width by 0.3 metres. The dwelling has also been pulled further forward slightly which increases the amount of useable space at the rear of the property to reflect the garden sizes generally promoted through the Council's "Successful Places" Design Guidance whilst removing built form from being in line with the windows on the rear elevation of No.17 Green Lea.
- 3.2 Additional information has also been provided which shows the relationship with the building layouts in the area seeking to demonstrate that it is reflective of the general character of the area and a cross section showing the "25 degree rule" plotted as detailed in "Successful Places". This is applied seeking to protect living conditions of existing and future residents from overbearing development which may cause unacceptable loss of light and is submitted in response to comments made by the Planning Inspector in relation to the poor outlook and amenity issues to No. 17 Green Lea.
- 3.3 For the avoidance of doubt the plans on which the decision is to be taken are:
210.01 Rev A – Proposed Floor Plan and Elevations;
210.02 Rev A – Proposed and Existing Site Plan;
210.03 Rev A – Building Line;
Detailed Site Layout Plan; and
25 Degree Rule plan.

4.0 PLANNING HISTORY

- 4.1 18/00684/FLH - Demolition of existing garage and construction of single-storey side and front extensions and erection of garden shed to side. Conditionally Approved
- 4.2 18/00685/FL - Proposal of a new single storey 3 bed dwelling to the rear garden of No.17 Green Lea with associated landscape and access: Refused and Dismissed on Appeal.

The Inspector in dismissing the appeal concluded that the construction of a three bedroom bungalow to the rear of the site would cause significant harm to the character of the area. The proposal in his view '*....would not adhere to the spacious quality of the area and would be experienced as a cramped development that intrudes into the open and undeveloped aspect along this street. When combined with the minimal setback from the side boundaries,*

and the small garden spaces proposed for the existing and proposed dwellings, the appeal scheme would also be at odds with the development surrounding, and in my view, would be cramped and incongruous to its locality' (paragraph 10 of the Appeal Decision).

Furthermore at para.13 the Inspector considered that the relationship with No.17 would be affected and concluded that *'The proposed dwelling would be positioned very close to the rear of No17 and would almost obliterate the outlook gained from the rear of the property. The positioning of the building in relation to the windows to the rear of No17 would cause a significant loss of outlook and light as a result of the proposal and cause a dominant and overbearing presence compared with the existing situation. That said, in my view the scheme would present unacceptable living conditions towards No17 in regard to loss of outlook and light.'*

4.3 The decision letter is reproduced in full at Appendix A.

5.0 PLANNING POLICY CONSIDERATIONS

5.1 The Development Plan comprises the North East Derbyshire Local Plan and the recently made Dronfield Neighbourhood Plan (October 2019).

North East Derbyshire Local Plan (2005)

5.2 The most relevant policies of the Local Plan are considered to be:

GS1: Sustainable Development

GS6: Settlement Development Limits

H12: Design & Layout of New Housing.

BE1: General Design Principles

T2: Highway Access and the Impact of New Development

T9: Parking Provision for Development

Dronfield Neighbourhood Plan (2019)

5.3 The Neighbourhood Plan (NP) provides a set of objectives for the future of the town and sets out certain defined planning policies and proposals to achieve these aims. It also sets out aims with suggested policies for how the town may develop in ways that meet identified local need and ensure Dronfield remains a great place to live, work and visit

5.4 The most relevant policies of the NP are considered to be:

Policy HOU1: Windfall Housing Development

Policy HOU2: Housing Mix

Policy D3: Good Design

North East Derbyshire Local Plan (2014-2034) Publication Draft:

5.5 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year but is currently paused and as such should be afforded limited weight.

5.6 The most relevant policies contained in the LPPD are:

SS1: Sustainable Development

SS2: Spatial Strategy and the Distribution of Development

SS7: Development on Unallocated Land within Settlement with defined Settlement Development Limits

SP1: Dronfield

SDC12: High quality Design and Place-Making

LC4: Type and Mix of Housing

National Planning Policy Framework (NPPF)

5.7 The revised NPPF was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised NPPF replaces the previous versions published in July 2012 & July 2018. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include supporting economic, social and environmental objectives.

5.8 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans but they are not criterion to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.

5.9 Specifically at para 127 of the NPPF it is stated that development should add to the overall quality of an area, look to create attractive, welcoming and distinctive places to live, work and visit and lead to a high standard of amenity for existing and future users

Other Considerations

5.10 The Council's "Successful Places" design guidance sets out how to practically and effectively achieve good design and is a material consideration in this case.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was valid on the 30 September 2019. An extension of time has been mutually agreed until the 14 February 2020 to allow consideration by the Planning Committee.

6.2 A site notice was put up on the frontage of the site on 16 October 2019 advertising the application for a two bedroom dwelling.

6.3 **Ward Councillors: Councillor Hall** has requested that the application be considered by the Planning Committee and a site visit is conducted due to the fact that the revised application has changed from when the inspector did the report.

- 6.4 **Councillor Foster** has also requested that the application is heard by the Planning committee due to the level in public interest.
- 6.5 **Dronfield Town Council:** Requests a site visit by the Planning Committee.
- 6.6 **Highways Authority:** The above application is a revised scheme of planning application 18/00685/FL upon which the Highway Authority commented on by letter dated 18th July 2018. It is understood that the previous application was refused for reasons other than highways, however as the current submission does not materially alter in highway terms, the comments contained in the earlier letter equally apply. Accordingly, in line with previous highway comments, there are no highway objections to the proposal, subject to conditions being appended to any consent in the interests of highway safety.
- 6.7 **Interested Third Parties:** Seven objections have been received to the proposal and **six** letters of support on a pro-forma style letter have also been received.

The objections are summarised below:

- Out of keeping with the character and layout of the estate;
- Breaches the building line;
- No reasons to depart from the Inspectors Decision to refuse;
- Too close to number 19 and now further forward resulting in loss of light to living room window;
- No. 17 will still be left with no garden space;
- Site notice was late being put up;
- Whilst smaller to that refused it is still very similar;
- Contrary to the design policies of the Dronfield Neighbourhood Plan;
- Garden grabbing, its s greenfield site;
- Design not in keeping with the streetscene;
- Plot too narrow which is out of keeping;
- Front garden area is not private space and will be overlooked;
- Still a three bed property with the third bedroom renamed as home office;
- The provided streetscene view to support the proposal is only a cropped version and doesn't take into account the whole street context;
- Supporting information of other development in Dronfield has no relevance to Green Lea;
- The support letters received are not residents of this area and should be discounted; and
- The support letters have been pre populated with information which shows that they have been approached.

The letters of support are summarised as follows:

- Demand for this type of property in Dronfield;
- Allows for downsizing and for residents to remain in the area;
- Will provide a suitable dwelling for those with disabilities; and
- Materials are in keeping with the area.

- 6.8 **Planners Response:** The comments are duly noted. The matters relating to the appeal decision are discussed below, along with an assessment of the revised proposal.

Comments have been received in respect of the delay in displaying the site notice. This was pinned to the lamp post outside of No.17 on the 16th October and was still in place at the time of the Officers site visit on the 5th November (photographic evidence). This would accord with the 21 days' notice period. It is not considered that residents have been prejudiced by the site notice going up 16 days after the submission of the application.

Comments have been received in response to the support letters submitted and they consider that due to the residents not living on Green Lea that they should not be taken in to account. Planning is defined as "*the control of the use of land in the public interest.*" Public interest can extend beyond the boundaries of a planning application however each application is to be adjudged on its own merits taking into account any representation received and matters of planning policy.

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding area, the amenity of neighbouring uses and highway safety issues.
- 7.2 The decision of the Planning Inspector in respect of the appeal referred to above is a material consideration which attracts significant weight in the consideration of this application.

8.0 PLANNING ASSESSMENT

Principle

- 8.1 The site lies within the Settlement Development Limits (SDL) for Dronfield which is considered a sustainable settlement due to the high level of services available. Under Local Plan (2005) policies GS1, GS5 and H12 and the Publication Draft Local Plan 2014-2034 policies SS1, SS2 and SS7 there is a presumption in favour of development in such areas subject to other policies in the Local Plan being satisfied. These relate to amenity, character of the area and highway safety. Publication Draft Local Plan 2014-2034 policy SP1 support proposals that would maintain Dronfield's role as a social and economic focus for development.
- 8.2 Dronfield Neighbourhood Plan aims:
- To support a level of housing provision that meets local need.
 - To support the development of housing for the elderly and affordable homes.
 - Prioritise the use of brownfield sites for housing and other forms of development.
 - To ensure all new development includes suitable infrastructure to address its needs and any new impact it may have.
 - To preserve its residential aspect.

- 8.3 **Policy HOU1** supports proposals for windfall housing within the existing urban area (the built up area of the town not covered by the Green Belt) where they:
- a) are well integrated within adjoining uses and the surrounding areas;
 - b) provide protection and integration for natural features such as trees, hedges and streams;
 - c) provide for a safe vehicular and pedestrian access to the site; and
 - d) that traffic generation and parking impact including mitigation measures do not result in a severe adverse impact on, road and pedestrian safety.
- 8.4 **Policy HOU2** seeks to ensure that housing development provides a mix of house types, size and tenures and requires the provision of smaller dwellings (2 bedrooms or less) or specialised housing suitable to meet the needs of young families, disabled, young people and older residents will be supported within housing developments to meet a local housing need.
- 8.5 **Policy D3** requires good design and sets a criteria-based policy. Development proposal should make use of site characteristics and surroundings, including: layout and use; and form of space within the site; siting; scale; height; proportions and massing; orientation; architectural detailing; landscape, existing plants, trees and other features and materials; established building arrangements and forms such as front gardens should be respected; and materials chosen should complement the design of the development and add to the quality or character of the surrounding environment.
- 8.6 Therefore, in principle, the construction of a new dwelling in this general location is acceptable subject to the detailed design of the unit and its impact on the character and amenity of the area being acceptable.

Impact upon the Character of the Area.

- 8.7 The application has been revised from the earlier proposal that was refused and dismissed on appeal in August 2019. The revised proposal has reduced the length and width of the dwelling and comprises of a two bedroom bungalow with home office/guest bedroom and provides additional information in an attempt to overcome the earlier refusal.
- 8.8 Changes on the ground have also subsequently been carried out which include the effective subdivision of the plot and erection of a two metre close boarded boundary fence around the perimeter of the site with a laurel hedge planted between the fence and existing wall.
- 8.9 The Inspector described the character of the area as dwellings of similar design and layout which consists of brick bungalows with gables facing toward the road edge, there being a regimented setback between properties with a single carport/garage to the side and larger setbacks from the front boundary and larger rear gardens. Gaps between properties were considered to be important to the layout, in that views are obtained to well vegetated rear gardens and he commented that the open countryside beyond could also be experienced which is a positive characteristic (only to the north of Green Lea). Boundary treatment consisting of low dwarf front boundary walls with large areas of lawn to the front garden and vegetation were considered to be positive attributes to the character of the street scene. He concluded that in

his opinion this spacious character and open and well vegetated aspect helped to inform the character and appearance of the area.

- 8.10 It is evident that the corner plot no longer has this generally open aspect and garden structures erected behind the fence are visible within the streetscene. This has altered the character of the area.
- 8.11 However, the revised proposal still presents a single storey dwelling to the rear of No. 17 Green Lea located adjacent to No.19 Green Lea with front parking and limited amenity space that is not characteristic of the wider estate. As a result the views between the dwellings, that the Inspector found so important to the character of the area, would not be maintained and the distinctive spacious front gardens found elsewhere on the estate would also be lost. In the opinion of Officers this aspect of the proposal fails to address the concerns raised by the Inspector and so fails to adhere to the policies of the Development Plan which seek to secure development which maintains and respects the character of the area.
- 8.12 Objections have been raised in respect to the subdivision of the garden citing it as 'garden grabbing', representing an over development of the plot that would not be in keeping with the general character and layout of the estate. Officers place weight on these views and concur with their assessment of the application.

Amenity Space

- 8.13 A plan has been provided which shows the level of amenity space to be provided for both the host building and the proposed dwelling. Whilst the rear amenity space for No. 17 would be reduced in size a large side garden area retains some amenity land for the host building that equates to 212 square metres. Whilst screened, Officers take the view, shared with the Inspector that this is only a semi private space. The bungalow has been remodelled and access to the retained rear garden area can be taken from the side patio door or rear patio doors leading on to the retained patio area. Notwithstanding that, Officers retain the view that this level of amenity is inadequate and would result in an unacceptable level of amenity being retained by an existing user.
- 8.14 The proposed dwelling would have a small area of open amenity land to the front of the site (44 square metres), enclosed by a low wall and a modest rear garden which equates to 75 square metres of 'private' amenity land. This is in excess of the Council's design guidance 'Successful Places' which seeks to provide 70 square metres for a three bedroom dwelling. Officers discount the front "amenity" area as this would be purely a public area of land not providing any meaningful amenity land. However, the area shown to the rear would provide an acceptable amenity area and so Officers conclude, on balance, that the level of amenity space now provided, subject to appropriate boundary treatments, would be sufficient to provide an adequate level of amenity space for the proposed dwelling.

Impact upon Residential Amenity

- 8.15 Development Plan policies state that proposals will only be permitted providing it would not have a detrimental effect on the amenities of neighbouring occupiers and uses. The Council's adopted guidance 'Successful Places' is design guidance that seeks to ensure that development proposals respond positively without having a detrimental impact upon existing land uses. It promotes different levels of separation distances that relate to different situations (orientation, layout, design) to ensure overlooking, loss of privacy and light is avoided.
- 8.16 The proposal would be situated to the rear of No. 17 Green Lea and adjacent to No.'s 15 and 19 Green Lea. All three properties have the potential to be affected by the proposal but the Inspector, when considering the earlier proposal, concluded that the impact on No.'s 19 and 15 Green Lea would be acceptable and the amendments subsequently undertaken only assist in this regard further taking the dwelling further away from No.15 and marginally towards the road in respect of No.19. However, the Inspector found that the outlook from No. 17 was adversely affected.
- 8.17 The applicant has also taken steps to address the impact of the proposed new dwelling on No.17. which has subsequently had its internal arrangement remodelled including changing the way the garden area is accessed. New patio doors have been inserted on the side elevation to the living room which looks out onto the side garden area. Patio doors are also placed in the rear elevation giving direct access to the retained patio area between a new 2m high boundary fence separating the proposal from the rear garden of No.17.
- 8.18 The proposed dwelling would also be sited further forward towards the street than No. 17 than previously and its design has taken into account the positioning of windows/door openings to prevent any direct overlooking towards it. The proposal would be sited within approximately 5 metres of No.17. This is below the recommended separation distance promoted within Successful Places, however, as set out above, the revised proposal is offset from the windows to the rear elevation of No.17 ensuring a reasonable outlook can be maintained. It is not considered that overlooking would be created and therefore no appreciable loss of amenity as a result of loss of privacy would occur. Furthermore, given the single storey nature of the new dwelling and that the boundary fence is 2 metres high it is considered that the arrangement would be acceptable for the reasons set out above. This is considered sufficient to overcome the Inspectors reservations on this issue and so leads Officers to conclude that now, on balance, the outlook from No. 17 would be acceptable.
- 8.19 There is a potential for the proposal to have an overbearing impact upon No.17. However, as set out above, the proposal has moved the dwelling away from any affected windows such that the 25-degree rule [A measurement assisting an assessment of any overshadowing] is achieved. Added to a proposed eaves height of 2.6 metres and given that the roof pitch slopes away to an overall height of 4.4 metres Officers consider that no unacceptable overshadowing would result.

- 8.20 The Applicants have provided other examples within the area where such arrangements have been approved. However each application is to be considered on its own merits.
- 8.21 No.19 Green Lea has a walkway running along the side boundary of the application site, giving access to the rear of the bungalow and entrance door. Contained in the side elevation of No.19 are three windows at high level, two are obscurely glazed. The proposed bungalow would be sited within 2m of No.19 and run along the boundary by 13.5m in close proximity to these side windows. However given the size of the windows, their size and position, it is not considered an unacceptable impact on amenity would be created.
- 8.22 There are three high level windows proposed in the proposed dwelling looking towards No.19, one to serve the kitchen and dining room (high level units) and the other to the en-suite. They could all be conditioned to be bottom opening and obscurely glazed and given the positioning of the windows it is not considered there would be any adverse impact on amenity caused by them.
- 8.23 Whilst No.19 would experience some loss of light to its windows, these face north and so currently only benefit from limited light. A two metre high boundary fence could be erected in front of these windows in any case and so in view of all these issues Officers conclude the proposal would not adversely and unacceptably impact on the amenity of No.19 which, as set out above, concurs with the conclusions of the appeal Inspector in this regard.

Highway Safety

- 8.24 The proposal is seeking to create a separate vehicle entrance to the south of the nearby road corner and provide two parking spaces within the site. The Highway Authority has commented raising no objection to the proposal.
- 8.25 Objections have been raised in regards to impact upon the street from parked vehicles however there are no parking restrictions in the area which prevents this from occurring now, and the addition of one dwelling is not considered to amount to creating a severe impact upon the highway network in any case. Furthermore, Green Lea is a cul-de-sac and not a through route and the level of traffic is low, mainly as a result of occupiers and visitors of the properties. It is considered to be lightly trafficked. The Planning Inspector did not consider that there would be a severe impact upon highway safety by the formation of a new dwelling.

Conclusion

- 8.26 The proposal seeks to subdivide a residential plot and construct a single storey two bedroom dwelling. The location is considered to be generally sustainable.
- 8.27 The revised siting and scale of the dwelling is noted. However, Officers conclude that this does not address the fundamental concerns of the Inspector in respect of this matter and that the proposal still fails to meet the policy requirements of the Development Plan.
- 8.28 Additionally, such is the result of the loss of its rear garden area on the amenity of No.17 Officers contend this would result in an unacceptable level of amenity being retained to serve that dwelling. This too is considered contrary to the Development Plan's aims and policy objectives.

- 8.29 However, Officers consider that the impact on No.17 in terms of overlooking and outlook has been addressed and that there remains no unacceptable impact on highway safety. Officers conclude there is no overriding impact on other nearby residential occupiers.
- 8.30 The other issues raised by the applicant and stakeholders are noted including the provision of one further dwelling and the social and economic benefits that may arise from it. However, none of these other considerations outweigh the Officer conclusion that in term of the impact on the character and appearance of the area and the amenity of the occupiers of No.17 that the proposal is unacceptable. Accordingly, the application is recommended for refusal.

9.0 SUMMARY OF CONSULTATIONS

County Highways:	No objections, subject to conditions
Environmental Health:	No comments received
Drainage:	No comments received
Neighbour:	7 objections, 6 support
Ward Member:	Councillor call in
Parish Council:	Comments received.

10.0 RECOMMENDATION

That Planning Permission is **REFUSED** for the following reasons:

1. The application is considered to be unacceptable as, due to the size, design and location of the proposed dwelling, it would represent a cramped form of development that intrudes into the open and undeveloped aspect of the street, is at odds with the existing dwellings and be incongruous in the locality adversely impacting the character and appearance of the area.

As such, the development is contrary to policies GS1, GS5, BE1 and H12 of the North East Derbyshire Local Plan, policies SS1, SS7 and SDC12 of the North East Derbyshire Local Plan (Publication Draft) (2014 -2034), policies HOU1 and D3 of the Dronfield Neighbourhood Plan and the policies of the NPPF when read as a whole.

2. The application would result in an unacceptable level of private amenity space being retained to serve the existing dwelling (No.17) and so fail to retain an adequate level of amenity for an existing user contrary to policies GS5 and H12 of the North East Derbyshire Local Plan, policy SDC12 of the North East Derbyshire Local Plan (Publication Draft) (2014 -2034), policy D3 of the Dronfield Neighbourhood Plan and the policies of the NPPF when read as a whole.