

COMMITTEE REPORT

Reference:
16/01398/FUL

Site:
Thrushes
15 Highland Avenue
Brentwood
Essex
CM15 9DD

Ward:
Brentwood North

Proposal:
Demolition of existing bungalow and construction of 2 No. x 4 bedroom semi-detached dwellings.

Parish:

Plan Number(s):

DESIGN AND ACCESS STATEMENT; 1447/01; BRICK PHOTO; PERSPECTIVE VIEW; 1447/02B; 1447/03B; PERSPECTIVE VIEWS

Applicant:
Mrs J Finch-Hutchins

Cllr Fulcher has referred the application on the grounds of ambiguity over the proposed boundary, excavation next to the boundary for the basements and drainage issues.

Case Officer: Mr Nick Howard

1.0 DESCRIPTION OF PROPOSAL

The proposal is to replace the bungalow with a pair of semi-detached dwellings. Each property would comprise a basement area, which would accommodate a kitchen/dining area. The ground floor would accommodate a study and a lounge at the rear. The first and second floor would include two bedrooms on each floor, comprising a total of four bedrooms for each house. To the rear of each house there would be a patio area leading out onto the garden. In front of each house there would be parking provision for two spaces.

2.0 SITE DESCRIPTION

The site comprises 15 Highland Avenue, which is a detached dormer bungalow. The property is located within a residential street approximately halfway along Highland Avenue and on its northern side. To the west is a pair of large townhouses and to the east is a detached dwelling. Opposite the site is a pair of semi-detached properties. The site is situated relatively close to Brentwood town centre.

3.0 RELEVANT HISTORY

- None

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

Given that the proposed dwellings comply with Brentwood Borough Council's adopted parking standards, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions;

- **Design Officer-**

Further to our Design Review of this current application I advise there are no objections on Design grounds to the proposed scheme as the design has improved significantly since originally submitted; the Project Architect has responded to my earlier concerns regarding the bulk and incongruous approach initially taken.

I advise details for fenestration and surface materials including a brick sample panel should be conditioned, these details are important to retain the design intent.

5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

12 objections have been received and can be summarised as follows:

- Size is too big for the small plot and results in it being too close to neighbouring properties.
- The loss of garden space
- Loss of light will decrease natural light to my neighbours property damaging plants shrubs and wildlife
- Development beyond the rear building line,
- Provision of a basement,
- The design of the properties and overlooking
- Plan requires deep excavation for foundations this would have a significant impact on drainage to the gardens and grounds of the surrounding properties, structural integrity of adjacent properties, roots of the trees on the street and surrounding properties.
- Potential for the creation of a balcony on the flat roof element
- The dwellings could easily be converted into flats or new bedrooms placing pressure on parking in and around the site.
- Disruption to access to all properties on road during construction stage.

6.0 POLICY CONTEXT

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy:

CP1- General Development Criteria

H7 – Single storey dwellings

T2 – New development and highway considerations

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and

where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in early 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

7.0 ASSESSMENT

The main issues to consider are:

- Principle of development
- Effect of new development on the Character and Appearance of the area
- Effect on living conditions
- Parking
- Other issues raised by neighbours

Principle:

The site is situated within the settlement boundary of Brentwood town in a residential area as defined in the Brentwood Replacement Local Plan (BRLP). Therefore, the principle of residential development in this location is acceptable.

Policy H7 refers to single storey dwellings and states the redevelopment of sites of existing single storey residential properties will only be permitted where there is no net loss in the number of single storey dwellings on the site. Although the existing dwelling is a bungalow, it is not a 'true bungalow' as there appears to be a restricted upper floor within the dwelling as evidenced by a small dormer on the front of the existing dwelling. Therefore, in this case Policy H7 is not relevant.

Effect on character and appearance (design):

Local Plan Policy CP1 (General Development Criteria) is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

Policy CP1(i) requires that the proposal would not have an unacceptable detrimental impact on visual amenity, or the character and appearance of the surrounding area.

The character of the area is a suburban residential street consisting of detached or semi-detached dwellings of varying heights, sizes and periods of construction. To the west of the site leading towards Ongar Road are two Edwardian three storey townhouses, which sit high in the streetscape, then two further dwellings, one of which is two storeys in height and its neighbour is three storeys. To the east is a two-storey detached dwelling, then a larger two storeys dwelling with a steep pitched roof and further east a pair of two storey

semi-detached properties. In assessing the immediate area, the character of the area is highly mixed with a wide range in the style of dwellings. The existing dwelling is significantly lower than most of the neighbouring properties along the street.

The proposed dwellings would have a narrow frontage; however, this is not dissimilar to the neighbouring town houses and provides an effective use of the plot. The dwellings are set in from the two side boundaries by one metre, which provides some space around the properties. In terms of height the dwellings would be higher than the property to the east, although this is a low-profile dwelling, compared to other properties in the street. When compared to the properties to the west, the proposed dwellings would be significantly lower. The principle of three storeys is considered acceptable, given the adjacent townhouses are of a similar form. Overall the proposal is not considered to be harmful to the character and appearance of the area and accords with the first criterion of Policy CP1.

Policy CP1 (iii) requires that the proposal should be of a high standard of design and layout and should be compatible with its location and any surrounding development (and, in the case of alterations and extensions, with the existing building), in terms of size, siting, scale, style, design and materials.

Regarding the design of the properties, the applicant has stated in the Design and Access Statement that the proposal uses some of the design cues from the neighbouring properties, in particular the town houses to the west of the site. In that regard they would be constructed predominantly in brick with the fenestration providing a vertical emphasis, the entrance door set within a recess and the dwellings would have a steep pitched roof. These are features that can be found on the neighbouring properties within the street and are compatible with its location and the surrounding development. The proposal therefore accords with the third criterion of Policy CP1.

Effect on living conditions of nearby residents:

Policy CP1 (ii) requires that the proposal would not have an unacceptable detrimental impact on the general amenities of nearby occupiers or the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

The proposed dwellings have a number of windows along their respective side elevations, however most these would serve en-suites and would be constructed in obscure glass, which can be secured by condition. The ground floor side windows would be secondary windows that would serve the rear lounge. These would also be constructed in obscure glass, which again can be secured by condition. Therefore, there would be no direct overlooking from the proposed dwellings into neighbouring properties. With regard to the rear first and second floor windows these would overlook the rear gardens of the handed dwelling, and also result in the ability to look into the rear gardens of neighbouring properties. However, given the urban nature of the site and surrounding areas, this is to be expected and already occurs elsewhere along the road.

In terms of overbearing, the dwellings would be higher than the adjacent dwelling to the east of the site 'The Croft'. However, the dwellings would be set in from the boundary by one metre and this would provide a gap between the properties of about 2.5 metres, which is considered acceptable and would not result in an overbearing impact on the neighbouring property. The proposal therefore accords with the second criterion of Policy CP1.

Access and Parking arrangements:

With regards to Policy CP1 (iv), this requires the means of access to the site for vehicles and pedestrians and parking and servicing arrangements are satisfactory. The proposal would provide two car parking spaces for each dwelling. Furthermore, the site is situated in a highly sustainable location, in that it is within walking distance of Brentwood town centre. The parking provision is considered acceptable and therefore accords with the fourth criterion of Policy CP1 and the policy in the round.

Other issues including neighbour concerns:

Regarding neighbour concerns, their main issues are the proximity of the building to the side boundaries, the scale of the dwellings, the loss of garden space, loss of light, the rear building line, provision of a basement, the design of the properties and overlooking, damage to the neighbouring properties, creation of a balcony and potential to use the development to accommodate flats.

The original submission showed the properties close to the side boundaries. The revised plans have set the proposed dwellings in from the side boundaries by one metre to provide sufficient space for construction, maintenance and side access. The neighbours consider most the properties in the area are two storeys. However, there are three storey properties along the street, also the dwelling to the east of the adjacent property 'The Croft' comprises two storeys but is of a similar height to the proposed dwellings due to its steep roof. Officers consider the principle of three storey dwellings in this area would not be out of keeping with the surrounding style of development.

In terms of the resultant garden area, the basement area would extend beyond the rear of the proposed dwellings. However, above the basement areas the proposal includes the provision of a patio area which would form part of the future occupier's amenity space. Furthermore, from the submitted plans the resultant garden area, not including the patio area would extend to about 123 square metres for each dwelling. The Council requirement is a minimum of 100 square metres. Therefore, the resultant garden area comfortably meets the Council's requirements. Regarding the front area, the proposal will include a hedge between the two properties and parking area. Although this may be out of keeping with other front areas in the street, the applicant could remove the boundary wall to the existing dwelling and provide several parking spaces in place of the garden area.

The neighbouring resident has indicated there will be a loss of light to his property because of the proposal. He indicates that along the left-hand wall of the property there are several windows serving a garage, kitchen, landing, bathroom and a toilet. None of these rooms are main habitable rooms and therefore although there would be a partial loss of light to these rooms, they are not considered to be rooms where a significant amount of living time would occur and therefore the proposal would not cause significant harm to the living conditions of these neighbouring residents. Furthermore, the distance between the properties will be about 2.5 metres, which is a suitable distance which would lessen the loss of light to these rooms.

The neighbour is concerned that the proposal which includes a projecting single storey element will project beyond the rear of their dwelling. The Ordnance Survey plan does show a small overhang on the neighbour's property. Therefore, the projection of the rear of the proposed dwelling would be about two metres and the proposal would be set one metre off the boundary. Accordingly, it is considered the proposal rear projection to the dwelling would not result in a loss of outlook to the neighbouring residents.

Regarding the proposed basement, it will require the removal of a significant amount of soil, which will result in several traffic movements. However, this issue is not a material planning issue and is a matter between the applicant and the neighbours. The onus is on the applicant to be neighbourly and reduce the level of disruption during the construction period. The imposition of a Construction Management Plan will overcome several of these issues.

The design of the proposed dwellings has been dealt with above. The proposal includes bedroom windows that overlook the garden areas. There would be an element of overlooking between neighbouring gardens, however this would be an oblique angle and would not directly overlook their gardens. Regarding the potential damage of neighbouring properties this would be a civil matter between the applicant and the neighbours and is not a material planning consideration.

Concern has been expressed that the flat roof element which accommodates part of the living area could be used as a balcony, which could overlook into neighbouring gardens. The imposition of a condition will prevent this. Several residents consider the dwelling will be converted into flats. This would require a fresh planning application, which would then be assessed on its merits by the Local Planning Authority.

Overall officers consider that the residents' concerns have been overcome particularly with the submission of revised plans.

8.0 CONCLUSION

The proposed development is within the settlement boundary of Brentwood town and therefore the principle of development is acceptable subject to the criteria set out in Policy CP1. The proposal is in keeping with the character of the area, given it is highly mixed with different types of dwellings along Highland Avenue. The proposal would not cause a significant harmful impact on the living conditions of neighbouring residents and overall the proposal accords with Policy CP1 of the BRLP. The recommendation is therefore to approve

9.0 RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 BOU05 Boundary treatment - (to be retained as shown on drawings)

A fence or wall of a height of not less than 1.8m shall be permanently retained and maintained in the position indicated on the approved drawings.

Reason: To safeguard the living conditions of adjacent occupiers.

4 MAT01 Samples (details acceptable)

No development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

5 U15728

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

7. Prior to first occupation of the dwellings, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

9. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for both new dwellings, as approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

10. The proposed flat roof element at the rear of the proposed development shall not be enclosed or used as a balcony unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent overlooking into the neighbouring gardens in accordance with Policy CP1 of the BRLP.

11. The windows on both side elevations of the proposed development shall be a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

Informative(s):

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H7; the National Planning Policy Framework 2012 and NPPG 2014.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.brentwood.gov.uk/planning