

SITE PLAN ATTACHED

5. 206 HATCH ROAD PILGRIMS HATCH ESSEX CM15 9QN

NEW CHALET DWELLING TO REAR OF 206 HATCH ROAD WITH ACCESS VIA ALDERTON CLOSE

APPLICATION NO: 16/00752/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	20.07.2016
PARISH		POLICIES	CP1 T2 H17 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312500	
Drawing no(s) relevant to this decision:	001 A; 002; 003; DESIGN & ACCESS STATEMENT; CONSTRUCTION METHOD; SURFACE WATER DRAINAGE STRATEGY E;		

This application was referred by Cllr Mrs Davies for consideration by the Committee. The reason(s) are as follows:

The layout and design of this application is cramped, it also sets a precedent for back land development in this semi rural environment. It would be to the detriment of the area lowering special and design standards. This conflicts with NPPF para 56 and 64 which seeks to improve the character of the area. I believe this application to be contrary to Policy CP1 (and iii) and H17 of the adopted Local Plan. This application increases the risk of flooding in the area contrary to sec.10 of the NPPF.

1. Proposals

New chalet four bedroom dwelling to rear of 206 Hatch Road with access via Alderton Close: 6.7m x 11.9m and 7m in height, pitched roof with flat roofed dormers to front and rear (6.4m in width and 1.8m/2.2m in height).

The materials to be used to construct the external surfaces of the dwelling would consist of brick for the walls and concrete/composite tile for the roof. Reference is made to the incorporation of PV solar panels into the tiled roof.

A total of four off-street parking spaces would be provided.

The application site measures approximately 48m in depth and a maximum of 18m in width.

The entrance to the new property would be via Alderton Close and a driveway to be created off the end of Alderton Close in front of 11 Alderton Close. Reference is made to the 'use of the drive by no.11 Alderton Close as a crossover will continue as per the existing, with a new agreement'.

The application is accompanied by a Design and Access Statement, a Construction Method Statement and a Surface Water Drainage Strategy. The latter concludes that the use of SuDS techniques on site, as detailed in the report, when designed and installed in line with best practice (i.e. BRE365 and CIRA 753), will mitigate and treat run-off volumes in line with the core policies and not increase flood risk elsewhere. Any exceedence flows or system failure will be taken to the existing surface water network with the proposed consents. The techniques referenced in the report include soakaways, permeable pavements, bio-retention planting and water butts.

There would be permeable surfaces and soakaways provided in both the front and rear garden areas.

2. Policy Context

The National Planning Policy Framework (NPPF) (27 March 2012)

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

H17 (Dormer Windows) requires dormer windows to be of a design and scale which is a subsidiary feature of the roof.

T2 (New Development and Highway Considerations) refers to the need for proposals not to have an unacceptable detrimental impact on the transport system.

3. Relevant History

- 15/00426/FUL: New chalet dwelling to rear of 206 Hatch Road with access via Alderton Close -Application Refused
- 16/00759/PN42: Single storey rear extension. The proposed extension would extend 6m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 3.6m and the proposed eaves height would be 2.9m -Application Refused

4. Neighbour Responses

13 letters of notification were sent out and a site notice displayed near to the site.

16 letters of objection (including one from the Ward Councillor, Vicky Davies) have been received raising the following concerns:-

- very similar to proposal previously turned down
- will be major issues with surface water flooding and would exacerbate existing problems – surface water drainage strategy still inadequate
- upheaval, noise, construction traffic - highway safety and parking issues during construction
- proposal will be an eyesore
- would be extremely close to no.11 and no.4 will have to overlook the development
- parking within Alderton Close already limited - concern regarding emergency services access
- street scene drawings submitted are misleading
- proposed access would result in loss of at least one parking space at 11 Alderton Close and restrict access to their garage
- incongruous, piecemeal development, over-development of Alderton Close and not in keeping with the character of the area
- would set precedent for further garden grabbing
- concerns that planting of Birch trees not appropriate in a confined area - would have impact on light pollution for 204, 206 and 208 Hatch Road
- loss of existing vegetation and would appear squeezed in
- applicant has applied to extend their home (16/00759/PN42)
- would lower the spatial and design standards which conflicts with the NPPF (para 56 and 64) which seeks to improve the character of the area, contrary to section 10 of the NPPF (flooding) and Local Plan Policies CP1 and H17.
- now garage not proposed, potential overlooking to rear of 204 and 206 Hatch Road
- application form not completed correctly/fully
- would no longer be an 'open aspect and sense of spaciousness'.

5. Consultation Responses

- **Highway Authority:**

No objections subject to conditions preventing use of unbound material in the surface treatment of the vehicular access, and the provision and implementation of a residential travel information pace approved by ECC.

- **Environmental Health & Enforcement Manager:**

No comments to make except to promote the use of renewable technologies in this development.

- **County Archaeologist:**

The area is of interest as the proposed development is in the grounds of the former Bawd's Hall and on the historic maps a water feature can be seen close to the proposed development. This feature is thought to be a large pond rather than a moated site. The plans that have been submitted show that the proposed house is not located over the pond/water feature, or other features associated with the former hall. Therefore, there is no requirement for any archaeological work as part of this planning application.

- **ECC SUDS:**

This development is not considered major and therefore we will not be commenting on the surface water drainage scheme at this site.

- **Building Control:**

Looking at the Planning inspectors comments, I note that the methodology is not in question (taking into account the apparent further technical review from the inspectorate side), only the input criteria (which was apparently arrived at in previous discussions with the council). This supports the competency view of the report author. The calculations appear to have been changed to include a 100 year event as requested. The areas of hard roofing have also been reduced, mainly by the removal of the garage, thereby further 'lowering the load' . The rainwater butt observation is in fact error, in overall terms, as this was only ever an 'in line' additional measure to the overall disposal scheme; which is direct to disposal systems. Therefore the inspectors concerns appear to have been covered. This however is a lay professional view. Should an independent finite view be required then a specialist consultant should be contacted.

6. Summary of Issues

The application site is located at the end of a cul-de-sac (Alderton Close) which consists of a mixture of chalet-style detached bungalows, single storey bungalows, a two storey terrace and a garage block. The site is located in a residential area (the northern boundary of the application site abuts the Metropolitan Green Belt).

Planning permission was previously refused for the same description of development (reference 15/00426/FUL) and a subsequent appeal dismissed in April 2016. In dismissing the appeal, the Inspector raised concerns regarding the double garage which formed part of the appeal proposal and the use of pitched roofs to the dormers proposed. The Inspector considered that the use of pitched roofs to the dormers would increase their scale and bulk to the extent that they would dominate the roof. For these reasons, the Inspector concluded that the proposal would unacceptably harm the character and appearance of the area. The appeal was also dismissed as the Inspector concluded that it had not been shown that the proposed development would not increase flood risk off site. The Inspector made reference to the infiltration devices proposed (permeable hardstanding, water butts, planting and soakaways) in the Surface Water Drainage Strategy submitted as part of the application having been based on a 1 in 30 year storm with climate change. However, he also noted that Essex County Council's Sustainable Drainage System Design Guide advises that their capacity should be based on a 1 in 100 year rainfall event, including an allowance for climate change. As that document had been formally adopted by the local planning authority, following public consultation carried out by the Council, the Inspector attached significant weight to it. He also raised concerns that the reliance on water butts did not allow for them being less than full prior to periods of heavy rain so their contribution towards attenuating the flow of surface water would have been limited.

The current proposal omits the previously proposed garage and the design of the dormer windows has been amended. A new Surface Water Drainage Strategy has also been submitted.

The main issues which require consideration as part of the determination of this application are the principle, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, highways/parking issues and the quality of life for the occupiers of the proposed and existing dwellings. It is also necessary to consider surface water drainage in this case.

The site is located within an area allocated for residential purposes. The application site does form part of the rear garden of 206 Hatch Road and is, therefore, not classified as brownfield land. However, given the location of the site in a residential area with a means of vehicular access, it is considered that the principle of residential development is acceptable. The Inspector did not dismiss the previous appeal due to concerns regarding the principle of the development.

Given the location of the application site, it is considered that it is appropriate to only consider the impact of the proposed development on the character and appearance of Alderton Close. The proposed dwelling would be constructed at the end of Alderton Close and within a curtilage larger than the existing properties in the Close. The existing dwellings in the Close vary in design but those which would immediately neighbour the proposed dwelling, (9, 10 and 11) are chalet style bungalows with large flat roofed dormer windows to the front and rear roof slopes. The proposed dwelling would be of a comparable design with flat roofed dormer windows, and of comparable height and footprint size. The proposed dwelling would be located at least 1m from the side boundaries of the site. The proposed dormer windows would be out-of-scale with the roof within which they would be constructed, contrary to Policy H17, but, given that the neighbouring properties at 9, 10 and 11 Alderton Close have similarly scaled dormer windows and as the application site is not in a visually prominent location, it is considered that a refusal of planning permission on this basis could not be substantiated in this case. The proposal would require the removal of some existing shrubs, trees and hedging but, given their nature, extent, height and species, it is considered that their removal would not be materially harmful to the character or appearance of the area subject to the proposed landscaping being carried-out. On the basis of the above, it is considered that the proposed development would not be out-of-keeping with the neighbouring development or be incongruous in the street scene, in compliance with the NPPF, NPPGs and Policy CP1 (criteria i and iii), and the concerns of the appeal Inspector on this matter have been overcome.

The proposed dwelling would be located adjacent to the blank side, garage wall of 11 Alderton Close and would only project around 1.5m beyond the rear and front elevations of this neighbouring property. The proposed dwelling would be located adjacent to part of the rear garden of 204 Hatch Road but would be located over 30m from the dwelling at 204 Hatch Road. Therefore, it is considered that any loss of outlook, loss of sunlight or loss of daylight to this neighbouring garden area would be minimal. In terms of overlooking, there would be no habitable room windows proposed on the side elevations of the dwelling proposed. The proposed first floor bedroom windows would be located 15m from the proposed rear garden boundary of 206 Hatch Road and at least 34m from the nearest rear facing windows (which are at ground floor level) of 204 and 206 Hatch Road. Any opportunities for overlooking of the rear garden area of 204 Hatch Road at a distance of less than 15m would be oblique at an angle of less than 90 degrees. It is considered that, given these distances and relationships, the potential for material harm to be caused by reason of loss of privacy would be minimal. On this basis, it is considered that the proposed development would not cause material harm to the amenity of the occupiers of any neighbouring residential property by reason of loss of privacy, loss of outlook, loss of sunlight, loss of daylight and dominance, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). The Inspector did not dismiss the previous appeal due to concerns relating to the amenity of neighbours.

The proposed dwelling would be provided with more than two off street parking spaces which would comply with the adopted standards and the submitted drawings do not suggest that vehicular access to existing properties or the existing garages would be prevented as a result of the development proposed. The Highways Officer raises no objection to the proposal, subject to the imposition of conditions. On this basis, it is considered that the development would not cause harm to highway safety, in compliance with the NPPF, Policy CP1 (criteria iv and v) and Policy T2. The previous appeal was not dismissed due to concerns regarding highway safety or parking.

The existing and proposed dwellings would be provided with in excess of the recommended minimum of 100sq.m. private amenity space, and the new dwelling would be provided with adequate off-street parking. On this basis, it is considered that the quality of life for the occupiers of the existing and proposed dwellings would be satisfactory, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). The previous appeal was not dismissed on the basis of concerns regarding the quality of life for the occupiers of the existing or proposed dwellings.

A Surface Water Drainage Strategy has been submitted as part of the current planning application in response to the concerns raised by the Inspector who determined the previous appeal. An independent consultant has been instructed by the Council to provide the local planning authority advice on the current Strategy. The following advice has been provided:-

'Having reviewed the latest (Aug 2016) drainage report: In principle the drainage strategy appears acceptable. The applicant has now provided the infiltration test information, although this does not clarify expected depths to groundwater. The soakaway is proposed to be shallow, but given the local reports of high groundwater (perched?), may still be affected by high groundwater. The soakaway testing was also not strictly undertaken in accordance with BRE365 in that three successive tests are required. It would seem that the uncertainties in the effectiveness of soakaways is therefore why the drainage proposals also includes an overflow system with restricted outflow rate. It is assumed that the piped overflow will be situated above the top design water level in the soakaway. The proposed 5 l/s overflow could be reduced to a lower flow rate, to better match existing greenfield rate, because with a private system there is no restriction on flow control orifice size (except a sensible minimum for practical/maintenance reasons). The drainage strategy (Aug 2016) has been prepared for the 1:100 + climate change storm events and does not rely upon water butts, addressing two of the items raised by the Inspector at the previous appeal. Prior to construction, it would be advisable to:

- Undertake further excavations to be carried out to confirm groundwater depths and undertake further soil testing in accordance with BRE365 to check final soakaway sizings.
- Obtain Anglian Water approval to the proposed connection/outflow.

- Consider a lower outflow rate for the positive outfall to public sewer whilst still providing attenuation for the 1:100 + climate change storms assuming the soakaway has failed.'

On the basis of this advice, it is considered that it has now been shown that the proposed development would not increase flood risk off site, subject to the imposition of conditions, in compliance with section 10 of the NPPF. The concerns of the appeal Inspector on this matter have, therefore, been overcome.

In response to the concerns raised by local residents, most have been addressed above. In response to those matters which have not, the following comments are made:-

- inconvenience during the construction period would be minimised through the implementation of the proposed Construction Method Statement

7. 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 U14642

Notwithstanding the details indicated in the application, 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.

3 U13920

Prior to occupation of the proposed development, the occupiers shall be provided a Residential Travel Information Pack for sustainable transport, in accord with details which shall have first been submitted to and approved in writing by the local planning authority.

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

4 U13921

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.

5 LAN03 Landscaping - full - details submitted

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

6 U14797

The development shall not be commenced until approval to the proposed connection/outflow to the public sewer has been obtained from Anglian Water.

Reason: In order to ensure satisfactory drainage of the development.

7 U14673

No development shall take place until further excavations to confirm groundwater depths and soil testing have been completed in accordance with BRE365. No development shall take place until details have been submitted to and approved in writing by the local planning authority which demonstrate that the size of the soakaways have been designed on the basis of the further excavations and soil testing completed in accordance with BRE365. The development shall be completed and retained in accordance with the approved details.

Reason: In order to ensure satisfactory drainage of the development. This issue is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the surface water drainage for the proposal would be satisfactory in perpetuity. In the absence of this condition, it would have been necessary to refuse planning permission.

8 U14798

The piped overflow shall be situated above the top design water level in the soakaway and the flow rate of the overflow shall be a maximum of 3 l/s.

Reason: In order to ensure satisfactory drainage of the development.

9 U14643

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications, including the Construction Method Statement and Surface Water Drainage Strategy submitted as part of the application, unless otherwise required by any of the above conditions.

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

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, H17 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF04

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.

3 INF21

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.

BACKGROUND DOCUMENTS

DECIDED: