

**SITE PLAN ATTACHED**

**12 WORRIN ROAD, SHEFIELD, ESSEX, CM15 8DE**

**CONSTRUCTION OF A DETACHED HOUSE AND GARAGE**

**APPLICATION NO: 19/00134/FUL**

**WARD**                      Shenfield

**PARISH**

**CASE OFFICER**    Mrs Nikki Dawney                      01277312500

**Drawing no(s) relevant to this decision:**

Site plan; Block & Sections; Proposed Floor; Proposed Elevations; Arboricultural Impact Assessment; Tree Protection Plan;

**The application has been referred by Cllr Jan Pound, Cllr James Tumbridge and Cllr Louise Rowlands due to the number of objections that have been raised by local residents.**

## **1. Proposal**

The proposed dwelling and garage would be located to the rear of 12 Worrin Road. The dwelling would have an irregular footprint with an approximate depth of 14m and an approximate height of 8.8m. The dwelling includes design elements such as crown and catslide roofs, dormer and Velux windows and would be constructed of brick, render and plain tile roofing. The overall design aesthetic is similar to that of an Arts and Crafts dwelling. The front elevation of the dwelling be oriented towards Worrin Road with Worrin Place to the rear.

The dwelling would be accessed from Worrin Road via a track which runs along the common boundary with no.8. A single storey pitched roof garage would be located to the north of the front elevation with a maximum ridge height of 5.6m which would accommodate x1 vehicle.

## **2. 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) 2019 and National Planning Policy Guidance (NPPG) 2014.

Policy CP1 General Development Criteria

Policies C5 and C6 TPO's and Landscaping

Policy T5 Parking - General

Local Plan Appendix 1: Extracts from Essex Residential Design Guidance

Local Plan Appendix 2: Vehicle Parking Standards

Local Development Plan:

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation between 5 February and 19 March 2019. The responses to the consultation are currently being assessed. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q3 or Q4 of 2019. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in early/mid 2020.

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Local Plan Pre-Submission (Publication Draft) 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.

### **3. Relevant History**

- 11/00260/FUL - Proposed Two Storey Side Extension, Single Storey Rear Extension, Carport To Side, Driveway Additions, Gates To Front Of Site, Amendment To Fenestration Pattern. APPROVED.

- 14/06366/PREAPP – construction of x4 dwellings. In principle supported due to existing backland development subject to volume, design, residential amenity and access.
- 18/01363/FUL - Construction of 2 detached dwellings. REFUSED due to the volume resulting in an intrusive and dominant built form and the effect upon the TPO Trees on site.

#### 4. **Neighbour Responses**

47 letters of objection have been received. Objections relate to backland development which is of character and an over development of the site, residential amenity, loss of trees.

#### 5. **Consultation Responses**

- **Arboriculturalist**

A number of the trees within the site are covered by TPO 15/1997.

The application is supported by an up to date Arboricultural Impact Assessment which considers post-development pressures on the trees within the site as well as immediate impacts on roots etc. A total of 20 trees and 2 groups are proposed to be removed. These comprise low quality Category C trees and 2 Category U trees. One Category U tree is a walnut which is covered by the TPO but which has already collapsed. The trees to be removed are generally small specimens which have limited amenity value. The plan provides the shading arc for the retained trees which confirms that there will not be excessive shading of the new dwelling caused by the retained trees. The plan shows that the retained trees can be adequately protected during construction.

I have inspected the trees on site and agree with the conclusions contained within the report.

There are no objections to the proposed scheme on arboriculture grounds.

- **Highway Authority**

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

Although the dimensions of the proposed garage do not meet the recommended dimensions as contained in the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009, the dwelling has space

for two vehicles to park and turn within the site. The host dwelling retains adequate room for off street parking for two vehicles.

The existing vehicle access to the south west of the site frontage will be utilised as a shared access for the dwellings. Subject to the conditions listed at the end of this report, vehicle passing manoeuvres can take place within the curtilage, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

## **6. Summary of Issues**

### Location

Worrin Road is located within the built up area of Shenfield and offers a linear pattern of development characterised by detached dwellings which vary in style and footprint. Although linear to the highway, the rear gardens to the north east of Worrin Road triangulate. No's.8 and 12 have the deepest rear gardens by a significant degree. Due to the topography of the area all gardens on the south have a substantial downward gradient which is most evident at no's 8 and 12. The land falls toward an existing backland development to the side and rear of dwellings forming Worrin Place.

### Principle of development

Many objections to the scheme refer to the 'backland' nature of the development. The NPPF supports sustainable development within a 'built up' residential area such as this and due to the existing backland development forming the cul-de-sacs known as Worrin Close and Worrin Place to the rear of the site and given the proximity of the proposed development to it, a visual link is created here which would not be out of character with the pattern of built form in the area. However, Local Plan policies and guidance such as those outlined above with specific reference to design, impact to residential amenity and parking would need to be satisfied.

### Design and siting

Local Plan policy CP1 point (i & iii) requires that all development would not have a detrimental impact on visual amenity and have a high standard of design.

Objections have been raised relating to the size and design of the proposed dwelling leading to an over development of the site which is out of keeping with the local character. Dwellings surrounding the site are detached, two storey dwellings with an eclectic aesthetic. The proposed dwelling would be similar in size, scale and footprint and offers a design ethos which incorporates many local design characteristics with a material palette to match. The proposed garage is similarly well designed and although below the size standard of a double garage would offer space for one vehicle and domestic storage which would negate the need for further outbuildings. As such, the proposed development would offer a high standard of design which responds well to the character and appearance of the area which conforms to planning policy CP1.

The proposed dwelling is located to the rear of 12 Worrin Road and due to the substantial downward gradient here, is significantly below the ridge of 12 Worrin Road and would not be viewed from this street scene. The dwelling would however, be partially viewed from Worrin Place to the rear. The proposed dwelling shares a similar land level to no.3 Worrin Place and although largely obscured by preserved trees which line the common boundary, would offer a visual connection in keeping with the linear built form of Worrin Place.

#### Residential amenity

In terms of residential amenity, CP1 point (ii) requires that all new development 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 or general disturbance.

The proposed dwelling would be located approximately 40m from 12 Worrin Road, the single storey garage some 35m. Similar distances of separation exist from no.8 and no.14. These measurements conform to the suggested distance of separation of dwellings outlined in the Residential Design Guidance which is an appendix to the Local Plan. The proposed dwelling would be off set from the common boundary with 3 Worrin Close to the rear by approximately 10m. The dwelling would be offset from the common boundaries of no.14 by approximately 11m and no.8 by approximately 5m. These distances would protect the host and neighbouring dwellings from an overbearing form of development conforming to policy CP1 and Residential Guidance.

The distances outlined would also protect these dwellings from overlooking. In addition, the dwelling has been oriented so that minimal fenestration is located in the front elevation towards Worrin Road. A larger expanse of fenestration is located within the rear elevation towards the side elevation of 3 Worrin Place which has a blank flank wall and a good level of verdant screening. The side elevation towards no.14 also has limited fenestration and benefits from verdant screening. It is noted that the larger expanse of glazing at ground and first floor is located in the side elevation towards no.8 Worrin Road. However, the 5m distance of separation from the common boundary combined with the downward gradient of the site and the substantial Oak Tree, which is subject to a TPO and located directly between the proposed windows and the rear garden of no.8 would prevent overlooking and a lack of privacy compliant with policy CP1.

Overall, the distances of separation, configuration of fenestration and orientation of the proposed dwelling combined with the substantial downward gradient of the immediate area would protect the amenity of the surrounding dwellings in accordance with Local Plan policy CP1 (ii).

#### Landscaping

Planning policy CP 5 and CP6 relates to the retention and provision of landscaping and natural features in development and Tree Preservation Orders. The rear of 12 Worrin Road is lush and verdant in nature and many of the trees that align the common boundaries are subject to TPO's and which provide a distinctive character to the area as a whole. As such, the Council Arboriculturalist comments above are a key consideration when determining this application.

The Arboriculturalist concluded that many of the trees to be removed are generally small specimens which have limited amenity value. The plan shows that the retained trees can be adequately protected during construction and provides the shading arc which confirms that there will not be excessive shading of the new dwelling caused by the retained trees. As such the submission offers sufficiently up to date information which adequately demonstrates that the lush, verdant nature of the site which is distinctive to the character of the site and an important element of residential amenity would be retained and protected conforming to policy CP5 and CP6 of the Local Plan.

#### Amenity space

Local Plan Appendix 1: Extracts from Essex Residential Design Guidance requires this form of residential dwelling to provide 100m<sup>2</sup> of private residential amenity space. The current proposal offers 360m<sup>2</sup>, and 500m<sup>2</sup> clearly exceeding this standard. The space is easily accessible, usable and would receive good levels of daylight throughout the year.

#### Access and Parking

The dwelling would be accessed from Worrin Road via an entrance adjacent to no's 8 and no.12. As such, the Council Highway Engineers comments above are a key consideration when determining this application.

The Highways Engineers have concluded that although the dimensions of the proposed garages do not meet the recommended dimensions as contained in the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009, each dwelling has space for two vehicles to park and turn within the site. The host dwelling retains adequate room for off street parking for two vehicles. The existing vehicle access to the south west of the site frontage will be utilised as a shared access for the dwellings. Subject to conditions listed below vehicle passing manoeuvres can take place on this the private access road and this does not form a basis of refusal.

In addition, objections have been raised due to the proximity of the road to an existing cedar tree. These objections are not supported by the Arboriculturalist who raises no concerns or objections to the closeness of the access to this particular tree. As such, the proposed development, subject to conditions complies with council policy T5 of the Local Plan.

#### **Others Matters**

Other matters such as the history of the site and land drainage have been raised by objectors during neighbour consultation and are addressed in turn below:

## Land drainage

Due to the topography of the site it has been noted by objectors that this particular area, to the rear of no.8 and no.12 Worrin Road is subject to flooding during inclement weather. No details of water drainage have been supplied by the applicant, but this information can be requested via condition should the scheme be approved. An appropriate condition is listed at the end of this report.

## Planning history

Planning history relating to the existing and any proposed built form on the site and surrounding area is a material consideration to any planning application. However, the personal circumstances of historic applications are not. Equally land ownership and potential joint agreements for development are not a material planning consideration. The current submission should be assessed on its own merit with direct attention being paid to the issues outlined in the points forming the bulk of this report.

## **7. Recommendation**

That 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 SIT02 Site levels - as illustrated

The relationship between the height of the building hereby permitted and adjacent buildings shall be as indicated on the approved drawing.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

### 4 U29724

No development shall take place before a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) and

as assessment of the hydrological and hydro geographical context of the development, has been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved plans.

Reason: To ensure that current flooding to properties to the rear of the development is not exacerbated.

#### 5 CON1 Construction Method Statement

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.

#### 6 U29725

The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, close boarded fences to the rear, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

#### 7 RESL01 No PD for extensions (new dwellings)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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.

#### Reasons

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

#### 8 RESL06 No PD for outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

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

#### 9 LAN02 Landscaping - full details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. 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 to be 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.

#### 10

Notwithstanding the width of the entrance to the shared driveway as shown on the block plan, prior to first occupation of the proposed dwelling, the width of the proposed entrance directly at the back of the footpath shall be widened to 5 metres.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

11

At no point shall gates be provided at the shared vehicular access at the highway boundary. The access shall remain open and free for use thereafter.

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

12

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

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

13

The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

14

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

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

Informative(s)

1 INF02 Reason for approval (objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 U06240

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision:

Policy CP1, C5, C6, T5 and Local Plan Appendix 1: Extracts from Essex Residential Design Guidance Local Plan Appendix 2: Vehicle Parking Standards National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3 INF21 Approved Without Amendment

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.

4 U06239

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

Appendix A – Site Map

