

SITE PLAN ATTACHED

37A HANGING HILL LANE, HUTTON, BRENTWOOD, CM13 2HY

DEMOLITION OF EXISTING CHALET DWELLING AND CONSTRUCTION OF 1 PAIR OF SEMI-DETACHED DWELLINGS WITH NEW VEHICULAR ACCESS

APPLICATION NO: 19/01551/FUL

WARD	Hutton South	8/13 WEEK DATE	09.01.2020
PARISH		Ext. Of Time	24.01.2020
CASE OFFICER	Ms Brooke Pride		
Drawing no(s) relevant to this decision:	2252/04; 2252/02; 2252/03; 01C;		

The application has been referred to the Committee at the request of Councillor Hirst for the following reason(s):

Excessive bulk and poor design resulting in detriment to the character of the area and to the amenity of residents in contravention of CP1; previous over-development of the same site has been withdrawn on advice. This application is not sufficiently different. It is hard to see how the existing chalet bungalow can be replaced by two houses without detriment to the neighbourhood and to residents.

1. Proposals

This application relates to the demolition of the existing chalet bungalow and the erection of a pair of semi-detached two storey dwellings and creation of a new access from the highway.

2. Policy Context

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria
- Policy T2 New Development and Highway Considerations
- National Planning Policy Guidance (NPPG)

- National Planning Policy Framework (NPPF)

Local Development Plan to 2033:

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, ending on 26 November 2019. At Ordinary Council on 22 January 2020 the Council resolved to submit the plan to the Planning Inspectorate on behalf of the Secretary of State (Regulation 22). Submission of the Local Plan took place on Friday 14 February 2020. An Examination in Public is likely to be held in mid 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council in late 2020 or 2021.

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. However, as the plan has yet to be inspected at the Examination in Public it is currently considered that it has limited weight in the decision making process.

3. Relevant History

- 19/00719/FUL: Demolition of chalet bungalow and construction of two dwellings.
– Withdrawn .

4. Neighbour Responses

Two objections have been received for this application. One of which has been sent in on behalf of 23 people for the following reasons:

- The proposal is not in keeping with the character or appearance of the surrounding area in terms of pattern of development or design.
- The proposal will cause an overbearing and crowding effect.
- The proposal will have an impact on Highway Safety and the comments received should be further reviewed to take into account the supermarket and existing parking issues.

- There are first floor windows that will overlook neighbouring properties.
- The proposal will reduce light into neighbouring dwellings.
- The proposal will cause detrimental impact to the visual amenity.
- Works to trees should be conditioned.

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/>

5. Consultation Responses

- **Highway Authority-**

Demolition of existing chalet dwelling and construction of 1 pair semi-detached 4 bed houses with new vehicular access

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

The proposal includes the demolition of a dwelling, subdivision of the site and construction of a pair of semi-detached dwellings. The existing vehicle access will be utilised for plot 1 and a new vehicle access is proposed for plot 2. Subject to the conditions below, each dwelling will be provided with adequate off-street parking, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

- **Environmental Health & Enforcement Manager-** No comments received.

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

6. Summary of Issues

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Site Description

The application site is on the south side of Hanging Hill Lane and set back from the road by a front garden and short stretch of highway. The existing building is a low profile

chalet bungalow with an eaves height of 2.1m and ridge height of 5.4m and the main structure of the building set in from the shared boundary with no. 39. No. 39 adjacent the site is also a chalet bungalow with a higher roof profile. The site is at the end of a row of chalet bungalows although the next corner house is a two storey. Opposite and surrounding area is a mix of single and two storey dwellings with no one style or typology dominating the area, the majority giving their front amenity area over to hardstanding for parking.

Design, Character and Appearance

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

The design has been amended to provide a simple plan form with an asymmetric front elevation, a rear dormer to each property and a hipped roof. The drawings indicate an eaves height of 4.95m and overall height of 8.83m; materials to match those within close vicinity of the site with a mixture of red brick and render. A side space of 1m would be provided between the flank elevation of the new building and the common boundary. A new access drive would be provided in addition to the existing, with off street parking for 2 vehicles for each property. Each property would have a private rear garden amenity space of between 69m² and 71m².

When the site is viewed in the wider context it is considered that the pair of semi-detached dwellings would not be out of character with the surrounding area.

Therefore, the proposal complies with Policy CP1.

Residential amenity

Policy CP1 is supportive of development proposals provided they protect the living conditions of surrounding residents.

The application site adjoins the rear garden of a two storey dwelling to the west, which forms a corner plot of Hanging Hill Lane; abuts No.39 (a chalet style bungalow) to the east. With regards the effect on No. 39, although higher than the existing building on site, the proposed development would not extend beyond the rear wall of No.39 and be set approximately 1.26 metres (measured inside of the fence to the flank wall) from the boundary shared with No.39. The distance from the common boundary including the roof overhang is 0.96 metres. A first floor side facing window is shown to be obscure glazed. It is noted that there is a first floor room in the existing building that has a rearward facing window. Some degree of mutual overlooking is expected in urban areas, and it is considered that there would be no material loss of privacy or overbearing effect on this neighbour, given the existing situation, distance to boundary and design of roof form.

With regard to the effect on the occupiers of No. 37, the side flank wall would be at a right angle, and set in by 1.2 metres from the common boundary (measured inside from inside the fence to the flank wall). On this basis, there would be no overbearing effect on those occupiers, and obscure glazed windows would protect privacy.

It is however recognised that the urban grain is drawn tightly and therefore if permission is granted it is suggested that permitted development rights are withdrawn to allow the local planning authority the opportunity to manage future development on the site.

On this basis, the proposal would protect the surrounding occupiers living conditions and comply with local plan CP1.

Highways and Parking

The proposal includes an additional vehicular crossover to the front of the site. The issue of parking around the site and at the nearby 'Costcutter', are not currently caused by the use of the site and it is not considered the small increase in vehicles using the site would significantly harm the highway safety of the surrounding area.

The Highways authority have not raised safety concerns relating to the proposal and advises that the impact of the proposal is acceptable in highways terms. The proposal would comply with policies CP1 and T2. The proposal meets adopted parking standards and the highways authority has raised no objections.

Other Matters

The reason for the call in to committee refers to the bulk and poor design, which has been addressed above. With regard to the effect on the level of daylight and privacy of the 'existing property' No.39, located to the east of the site; the new living accommodation would have obscure glazed side facing windows, and the building itself be set in from the boundary; the hipped roof and rear building line would not extend beyond the rear wall of the neighbouring dwelling. As such, the proposal is considered to be policy compliant and acceptable.

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 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

No development shall take place until details 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.

4

The side facing windows at first floor level 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.

5

No development shall take place, including any ground works or 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. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy T2 of the Brentwood Replacement Local Plan.

6

As shown in principle on planning drawing 2252 01 Rev C, prior to first occupation, the new vehicular access shall be constructed at right angles to the highway boundary and

to the existing carriageway. The width of the access at its junction with the highway shall be no more than 3.6 metres. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway and both highway verges.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the Brentwood Replacement Local Plan.

7

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Brentwood Replacement Local Plan.

8

There shall be no discharge of surface water from the development onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy T2 of the Brentwood Replacement Local Plan.

9

Notwithstanding the details shown on the planning drawing 2252 01 Rev C, prior to first occupation, each dwelling shall be provided with 2 parking spaces which shall have minimum dimensions in accordance with the current parking standards and shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

10

Notwithstanding the details shown on the planning drawing 2252 01 Rev C. The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy T2 of the Brentwood Replacement Local Plan.

11

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to

include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the Brentwood Replacement Local Plan.

12

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

Reasons: To safeguard the living conditions of the future occupiers of proposed dwellings and surrounding occupiers of the site.

13

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 future occupiers of proposed dwellings.

Informative(s)

1

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.

2

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2; National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED: