

SITE PLAN ATTACHED

03. GARAGES ADJACENT TO 10 ALEXANDER LANE HUTTON ESSEX

DEMOLISH EXISTING GARAGES AND CONSTRUCTION OF A ONE BEDROOM, TWO STOREY DWELLING

APPLICATION NO: 15/00980/FUL

WARD	Hutton North	8/13 WEEK DATE	02.10.2015
PARISH		POLICIES	NPPF NPPG CP1 T2
CASE OFFICER	Mrs Charlotte White	01277 312536	

Drawing no(s) relevant to this decision: EX01B; EX03; PL01; PL02; PL03; PL04; PL05; A2-01 TOPOGRAPHICAL; DESIGN & ACCESS STATEMENT - REV A;

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

The application has been referred to Committee by Cllr McKinlay regarding Highway matters.

1. Proposals

Planning permission is sought to demolish the existing garages on the site and to construct a detached, two storey, one-bedroom dwelling. The proposed dwelling has a flat, green roof with PV panels on top. The ground floor will consist of a bedroom, a bathroom and a store area, to include a bike store area and the first floor will include an open plan living area; kitchen, dining and sitting area. There will be a 'hit and miss' staircase to provide access onto the roof for maintenance. A balcony will be provided to the front of the dwelling which will be partly enclosed. A small garden area will be provided at the front of the site which will include an outside utility area to store bins and the rainwater harvesting tank. One parking space will be provided.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be

given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

T2 - New Development and Highway Considerations

3. Relevant History

- 15/00260/FUL: Demolish existing garages and construction of a one bedroom, two storey dwelling. -Application Withdrawn

4. Neighbour Responses

15 neighbour letters were sent out and a site notice displayed. One letter of objection has been received which makes the following comments:

- Similar to 15/00260/FUL which I objected to due to the appearance of the building which was out of character with the surrounding properties.
- Same is true of this application - it will look quite out of place - a ultra-modern design in the midst of traditional properties, including those constructed recently, such as the block of flats immediately opposite the existing garages and the pair of maisonettes alongside 12 Alexander Lane.
- Urge committee to reject the application and encourage the developer to submit a more traditional style of building.

5. Consultation Responses

- **Highway Authority:**

Following an assessment of additional details as submitted with this subsequent application, the Highway authority position remains unchanged as the issues raised previously have not been addressed satisfactorily.

Currently the host dwelling benefits from off-street parking for up to four vehicles within the existing garage site located adjacent to 10 Alexander Lane. The applicant has suggested that there is provision to provide off-street parking for the host dwelling however, the area fronting no. 14 Rayleigh Road is insufficient in depth to accommodate a vehicle without overhanging the highway, causing an

obstruction to pedestrians using the footway to the detriment of highways safety. It is therefore considered that the overall parking provision is inadequate.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The proposal if permitted would lead to inappropriate parking practices detrimental to general safety for all highway users. The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as county Council Supplementary Guidance in February 2011.

Note: To accord with the Parking Standards design and Good Practice September 2009, which recommends minimum parking provision levels for residential properties, would require the host dwelling to retain two off-street parking spaces and the new dwelling to be provided with one off-street parking space.

NB - Substandard parking at neighbouring properties has no relevance to this application.

FURTHER COMMENTS EMAIL 30.9.15:

A vehicle parking parallel to the street within the frontage is discouraged unless it can be demonstrated that a vehicle can access the forecourt of a property at right angles to the carriageway and park safely within the site. A vehicle parking at the property along Rayleigh Road would require more than one manoeuvre over a footway to the detriment of highway and pedestrian safety.

It is essential to highway safety that the car is accommodated to ensure easy access to and from the highway and that it is unlikely that any part of the car will obstruct the footpath, this ensures good design is promoted and inappropriate practice is avoided.

- **Environmental Health & Enforcement Manager:**

No comments received at time of writing report.

- **Environment Agency:**

No objections.

- **Design Officer:**

Thank you for consulting on the above application in respect of Design; please find my advice to assist you in the determination of this application:

This current submission follows a previously withdrawn application (ref: 15/00260/FUL). In terms of design this current submission has not been amended therefore - please refer to my original advice as follows:

Discussion:

Pre-application advice was conducted with regards to the development of this site for residential use. The principal of demolition for the existing concrete panel garages is acceptable in design terms; these structures have little prominence or contribution to the street scene which evidences a mix of dwellings from flatted development at the principal corner adjacent to the development site, through to Victorian cottages and other variations of C20th domestic architecture.

The main considerations in terms of design is the impact of the development to its context, having assessed the submitted information I advise the massing is acceptable; it is evident the modular contemporary style of architecture has been refined in order to consider the mass and scale of the immediate context, this can be attributed to the long period of gestation for design development. The proposals within the scheme clearly have sustainable aspirations, including renewables such as air source heat pump and PV application to roof.

The design intent and the massing proposed within the submission demonstrates Good Design in line with National Policy; it is imperative the design intent is not diluted through a value engineering of details such as materials and fenestration throughout the construction stage; therefore Conditions should be applied in this regard.

In summary I raise no objections on Design grounds and advise the scheme is of Good Design.

- **Arboriculturalist:**

15/00980/FUL in order to fulfil the suggested consideration to the trees adjacent to the site a base data should be submitted plus if the scheme is considered viable by the arboricultural consultant an impact assessment and method statement outlining the specialist construction techniques to be employed.

6. Summary of Issues

The application site is located on the western side of Alexander Lane and is currently occupied by a pair of detached garages and a parking area. The site is located within the residential area and as such the main considerations in the determination of this proposal are; the principle of the development, sustainability, design, residential amenity, living conditions, parking and highway considerations and landscaping:

History

Planning permission was recently sought for a very similar development to this hereby proposed which was withdrawn by the applicant prior to be determined, but was recommended for refusal by Officers for the following reason:

The proposal, if permitted would result in the loss of parking to No.14 Alexander Lane, by removing the application site as a parking area available to No.14, resulting in the occupiers of No.14 having no option but to park in front of the dwelling at No.14 which is of an insufficient depth to accommodate vehicles without overhanging the highway, causing an obstruction to pedestrians to the detriment of highway safety contrary to Chapter 4 of the National Planning Policy Framework (NPPF) and Policies T2 and CP1(iv) of the Brentwood Replacement Local Plan 2005.

Principle of the development

The site is located in a residential area and as such the principle of developing the site to provide a dwelling is acceptable, subject to other consideration such as the design, impact on neighbours and highway safety considerations.

Sustainability

The site is located within a sustainable location; it is located within walking distance of Shenfield Train Station and the shops and services in the Town Centre. The proposal also seeks to utilise renewable energy resources such as solar PV panels on the roof.

Design and character and appearance of the area

The proposed dwelling is contemporary in its design. The Council's Design Officer has commented that her original comments in relation to the previous application submitted (ref.15/00260/FUL) are maintained: The Design Officer comments that the principle of demolishing the existing garages is acceptable in design terms. The Design Officer comments that the main consideration in terms of design is the impact of the development to its context. The massing is acceptable and the design intent and massing proposed demonstrates good design. However, it is imperative that the design intent is not diluted and as such conditions are needed in terms of materials and fenestration details. Subject to such conditions, the Design Officer raises no objection to the proposal.

It is considered by Officers that, given the surrounding character of the area, which is mixed, including flats on the opposite side of the road, the proposal would not appear out of keeping with the area. The size, sitting, scale and overall design of the development are considered acceptable and the proposal accords with Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

Residential Amenity

In terms of overlooking, the proposed dwelling's main windows face Alexander Lane which is a space already open to public gaze and the provision of these windows would not therefore result in any undue overlooking or loss of privacy. The rear stairwell window and high-level first floor glazing bands, given their position and height above the floor levels would not result in any undue overlooking or loss of privacy. The front balcony proposed is partially enclosed to the sides, but will be open in part allowing views to each side. However, the land to the south is undeveloped and as such the proposal would not result in any undue overlooking in this regard. To the north, there is an existing dwelling; No.10 Alexander Lane. However, the balcony is located to the front of the site and would overlook the front garden area of No.10 which is already open to public gaze. As such it is not considered that the proposal would result in any undue overlooking or loss of privacy.

A condition is necessary, however, restricting the use of the green roof for maintenance purposes only, to prevent this space being used as an additional amenity space, which would result in undue overlooking to No.10.

In terms of dominance, given the location of the site, the only dwelling that may be adversely affected in this regard is No.10 to the north. The proposed dwelling would not extend significantly beyond the rear wall of No.10 and would not therefore result in any harm in this regard. The proposed two storey element would be located some 3m from the flank wall of No.10. It is noted that there are flank windows in No.10 which may be affected by the proposal, however, given the separation distance proposed, the design of the dwelling with a flat roof, and its relatively limited height it is considered that the proposal would not result in any significant or demonstrable harm to the residential amenity of No.10 in terms of an overbearing impact, dominance or loss of light and outlook.

Living Conditions

The site backs onto the railway line and as such it is considered necessary to determine whether the future occupiers of the site would be provided with adequate living conditions in this regard and to determine whether the residents would be subject to poor living conditions by virtue of the noise and disturbance from this close proximity of the site to the railway line. In this regard, the Agent comments that noise levels will be controlled with the use of triple glazing. The Agents also refers to the planning applications submitted at No's 10 and 12 Alexander Lane which included a noise assessment and refers to their findings which conclude that levels of noise from the railway line are less than those from the road.

The Council's Environmental Health Officer (EHO) comments are awaited on this application. However, the EHO did provide comments on the previous, very similar application on this site (ref. 15/00260/FUL): commenting that the dwelling lies adjacent to a busy railway track where the occupier will be exposed to noise from

the tracks, but comments that the fact that there are no windows facing the track will help with noise attenuation. The EHO suggests a condition be attached to any grant of consent to ensure noise and vibration levels do not adversely affect the occupiers of the dwelling. Subject to such a condition, no objection is raised on this basis.

The proposed one bedroom dwelling provides a small private amenity area to the front of the site and an additional amenity area by virtue of the balcony proposed. The dwelling is an adequate size for a one-bedroom dwelling and provides a parking space. It is therefore considered that the proposal would provide adequate living conditions for any future occupiers.

Parking and Highway Considerations

The Highway Authority raised an objection to the previous application on this site (ref. 15/00260/FUL) which resulted in the officer recommendation to refuse the previous application.

With regard to this current application, the Highway Authority has commented that following an assessment of the additional details submitted with this application, the Highway Authority position remains unchanged as the issues raised previously have not been addressed satisfactorily.

The Highway Authority comments that currently the host dwelling benefits from off-street parking for up to four vehicles within the existing garage site located adjacent to No.10 Alexander Lane. The application has suggested that there is provision to provide off-street parking for the host dwelling, however, the area fronting No.14 Rayleigh Road is insufficient in depth to accommodate vehicles without overhanging the highway, causing an obstruction to pedestrians using the footway to the detriment of highway safety. It is therefore considered that the overall parking provision is inadequate.

The Highway Authority therefore conclude that from a highway and transportation perspective the impact of the proposal is not acceptable because, if permitted, the proposal would lead to inappropriate parking practices detrimental to general safety for all highway users.

It is noted that the site is in a highly sustainable location, with Shenfield Train Station and the shops and services in Shenfield within walking distance. It is also noted that the design and access statement indicates that the application site is not used by the occupiers of No.14 and is used by friends and family commuting from Shenfield train station and that the space to the front of No.14 is to be increased with the removal of hedges and low level brick walls.

However, the Case Officer has now undertaken two site visits to this site and has viewed the parking situation at No.14 twice: The first visit in April 2015 revealed that the front of No.14 was being used for parking; with two vehicles parked on the front

of No.14, both of which were overhanging the footpath. During the second site visit undertaken for this application in August 2015, it was apparent that there was one vehicle parked on this site which was also overhanging the footpath.

It is considered that the loss of the application site for parking purposes would increase the need for the residents of No.14 to park in this manner and removes the site as an alternative parking option to them.

It is noted that the applicant suggests works will be undertaken to the front of No.14 to allow a parallel space to be provided. However, the Highway Authority have also raised concerns in this regard, commenting that a vehicle parked parallel to the street within the frontage is discouraged unless it can be demonstrated that a vehicle can access the forecourt at right angles to the carriageway and park safely within the site. A vehicle parking at the property along Rayleigh Road would require more than one manoeuvre over a footway to the detriment of highway and pedestrian safety.

As such, and given the comments of the Highway Authority, it is considered that the proposal would result in unacceptable harm to highway safety and an objection is therefore raised on this basis.

Landscaping Considerations

The Council's Tree Officer has commented that in order to fulfil the suggested conditions to the trees adjacent to the site base data should be submitted and an impact assessment and method statement outlining the specialist construction techniques should be employed.

However, the Design and Access Statement submitted considers trees and landscaping, commenting suitable precautions to protect the trees will be undertaken, with raft foundations and piles used rather than traditional trenches, with the initial dig along the boundaries done by hand to establish the location of major roots which will inform the foundation design. As such it is not considered necessary to require the information suggested. The information submitted indicates that the vegetation around the site will be considered and as such it is not considered that any conditions, apart from a landscaping scheme are required in this instance.

Conclusion

As outlined above, it is considered that this proposal has not overcome the previous concerns raised to a similar development on this site (ref.15/00260/FUL). The proposal is therefore recommended for refusal as it is considered that the proposal would result in undue harm to highway safety as a result of the loss of the parking spaces, contrary to National and Local Planning Policy. It is not considered that the

provision of an additional dwelling and the matters in support of the application would outweigh the harm identified.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11131

The proposal, if permitted would result in the loss of parking to No.14 Alexander Lane, by removing the application site as a parking area available to No.14, resulting in the occupiers of No.14 having no option but to park in front of the dwelling at No.14 which is of an insufficient depth to accommodate vehicles without overhanging the highway, causing an obstruction to pedestrians to the detriment of highway safety contrary to Chapter 4 of the National Planning Policy Framework (NPPF) and Policies T2 and CP1(iv) of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 INF05

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

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

BACKGROUND DOCUMENTS

DECIDED: