

Parish: Sudbury

Location: Land West of 4 Windermere Road

Proposal: Erection of 1no. single storey detached dwelling (existing garage to be demolished).

Applicant: Mrs L M Anselmi

Case Officer: Chris Tivey

Date for Determination:19/06/08

The application is brought to Committee at the request of the Local Member. A panel of Members visited the application site on 2 July 2008.

SITE

1. The application site is situated to the rear of 4 Windermere Road, a detached bungalow which has a vehicular access via an unmade private road off Park Road, known as Potton End Lane.
2. Potton End Lane gives vehicular access to a number of residential properties, including those that front onto Windermere Road to the south east and Park Close to the north west. For many of these properties the unmade road is the sole form of vehicular access.
3. The application site comprises 0.03 hectares of garden land formerly serving 4 Windermere Road, and currently includes a detached single garage situated to the western corner of the plot. This would be demolished to make way for the proposed bungalow, a new parking and turning area to the front of 4 Windermere Road would be created under Permitted Development Rights.
4. The site falls within the Built-up Area Boundary for Sudbury wherein the principle of residential development is acceptable.

PROPOSAL

5. Full planning permission is sought for the erection of a single detached bungalow comprising two bedrooms, kitchen, lounge/dining room, bathroom and hallway. The property would be accessed via a door on the south west elevation gaining access from a proposed parking space on that side.
6. The bungalow as proposed would have a footprint of up to 6.45m by 11m. The ground to ridge height would be approximately 4.9m, with a ground to eaves height of approximately 2.2m. A 0.45m deep gable would project from the right hand side of the front elevation with a ground to ridge height of 3.95m.
7. The external materials would consist of profiled tiles, bricks and render, windows and doors would either be white painted timber or uPVC.

8. In order to provide space for the aforementioned parking space, the distance between the south western elevation and the south western boundary shared with 6 Windermere Road would be 3.2m at its narrowest. This would be enclosed by the bungalow, the existing boundary treatment and a fence running at 90° to connect the two, through which would be a gateway giving access into the private rear garden area. The usable area of private amenity space would equate to approximately 110m². The distance from the north eastern elevation of the proposed bungalow to the respective boundary would be approximately 1.45m with the rear elevation situated 17m from the rear elevation of 4 Windermere Road. Sufficient space would also be provided to enable a car to park across the site frontage, parallel to the front elevation of the proposed bungalow.
9. The size of the proposed bungalow has been reduced from that originally proposed on the site (see B/07/00168/FUL below) with a 26% reduction in footprint from 94.5m² to 70m². The main difference between the current proposal and the previous proposal is the omission of an attached garage which had a ridge perpendicular to that of the bungalow and which increased the overall bulk of the building proposed.

RELEVANT HISTORY

10. B/07/00168/FUL – Erection of detached bungalow with single garage – Refused.

NATIONAL GUIDANCE

11. **PPS1** Delivering Sustainable Development
12. **PPS3** Housing

PLANNING POLICIES

12. The Development Plan comprises the emerging East of England Plan, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan, 2008

- **SS1** (Achieving Sustainable Development)
- **SS2** (Overall Spatial Strategy)
- **ENV7** (Quality in the Built Development)

Babergh Local Plan (Alteration No.2) 2006

- **HS01** (Towns)
- **HS27** (Housing Density)
- **HS30** (Design of New Houses)
- **HS32** (Public Open Space)
- **CN01** (Design Standards)
- **LP01** (Planning Obligations)
- **TP15** (Parking and New Development)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

OBSERVATIONS

13. TC – No comment as after prejudicial declarations there was no quorum.

14. Environment Agency – The proposed area for development lies within 250m of a former waste disposal site and there is a possibility of landfill gas migrating from the landfill site into the strata below the proposed development. The Agency has no knowledge of past problems associated with the site and has no specific information on gas coming from the site. Should the developer consider the risk significant enough to warrant further investigation, a suitably qualified and experienced consultant should be engaged to investigate and assess the site. In the absence of any investigations, all buildings and associated services should be designed and constructed with due regard for the possible presence of landfill gas. Subject to the approval of the Local Authority (Building Control) a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions.
15. Environmental Protection – No objection to the proposed development, but recommends that a condition be imposed on any grant of planning permission which mitigates against any potential harm from developing within 250m of the former landfill site.

REPRESENTATIONS

16. Ten letters of objection have been received from local residents, including from the Local Ward Member. The issues raised are summarised as follows:-
 - Introduction of back-land development.
 - Inadequate provision of public open space.
 - Poor drainage with unsuitable sewerage.
 - Access road is un-maintained and is unsuitable for construction access.
 - Concerns over dust and noise disturbance from construction.
 - Loss of outlook.
 - Approval could lead to a precedent being set for similar such proposals.
 - No appreciable change from the previous application.
 - Potton End Lane is too narrow for further residential development.
 - Concern over the impact upon property values.

PLANNING CONSIDERATIONS

17. The application site is within the Built-up Area Boundary of the Town and the development of the site for residential development is acceptable in principle. The key issues in the determination of the application are:
 - Layout and design.
 - Impact upon residential amenities.
 - Impact upon highway safety.
 - Surface Water Drainage.

Layout and Design

18. The development as proposed would give rise to a density of 33 dwellings to the hectare. It is therefore above the 30 dwellings to the hectare minimum set by PPS3. By virtue of the private amenity space proposed for the dwelling (110m²) and that the existing property, 4 Windermere Road maintains a private rear garden of approximately 98m² the proposal cannot be considered as overdevelopment of the site.

19. It is acknowledged that the access road primarily serves garages and parking spaces set to the rear of properties within Park Close and Windermere Road, it does nonetheless give direct vehicular access to a number of properties including Wayside, The Willows and Potton End. In view of the fact that properties do front onto the unmade road, the proposed development would not conflict with the prevailing pattern of development in the area. Officers are of the view, as with the previous planning application, that it would be difficult to substantiate a reason for refusal based upon the impact that the bungalow would have upon the character and appearance of the area.
20. In terms of design, the simple and suburban design of the proposed bungalow would not be out of character with its surroundings and due to the distances to the site boundaries as described within the Site Description above, the development would not appear cramped within the plot.

Impact upon Residential Amenity

21. The siting of the proposed dwelling would ensure that there would be a minimal detrimental impact upon the residential amenity of neighbouring properties: being single storey, it would not give rise to overlooking and furthermore, could not be described as overbearing and would not give rise to material overshadowing. Many of the comments received from objectors centre on the intensification of the use of the access road and the possible damage caused by construction traffic. It is acknowledged that the period of construction could give rise to noise and general disturbance, however, such activities are temporary in nature and relatively short lived in comparison to the expected lifetime of the development.

Impact upon Highway Safety

22. As the application is for one dwelling, the proposal no longer falls within the category of planning applications that the Local Highway Authority are consulted on. Nonetheless, concerns raised by the LHA on the previous application centred around parking provision and the proposed site plan for the current proposal shows space for the parking of two vehicles serving the proposed dwelling. Although refused by Members of the Development Committee, Planning application B/07/00168/FUL was not refused on highway safety grounds and, therefore, it would be unreasonable of the Council to refuse the current application on this basis with no material change to the level of accommodation provided.

Surface Water Drainage

23. Concerns have been raised by local residents that surface water drainage is inadequate in the area to cope with additional run-off from the proposed development. The applicant's agent instructed Richard Jackson Plc to carry out soil investigations and design a method of surface water drainage.
24. The calculations submitted by the applicant and assessed by the Council's Building Control section confirms that the provision of a soakaway 5m from the building would be acceptable. Furthermore, it has been agreed with Building Control that foul water would go to the existing adopted sewer which is in the rear garden of 4 Windermere Road.

Other Issues

25. A number of other issues have been raised from local residents, but not all are material planning considerations. The very fact that the road itself is un-adopted is not a reason to refuse planning permission, notwithstanding the fact that it is acknowledged that additional use, albeit likely to be insignificant, could give rise to damage to its unmade surface, particularly during the construction period. That, however, is not a reason to refuse planning permission; nor is the impact that the proposed development may or may not have upon property values, with PPS1 confirming that the planning system is not in place to protect the private financial interests of individuals. Concerns have been raised over additional on-street parking pressures resulting from the existing dwelling at 4 Windermere Road, it is recommended that a Grampian form of condition be imposed that does not permit development to commence until such parking spaces have been provided to the front of that property.
26. Policy HS32 of the Adopted Local Plan requires all applications proposing new dwellings to make provision for Public Open Space. This is either in the form of on-site provision or off-site provision in the form of a commuted payment. In this case, given the small size of the site and layout of the development, on-site public open space provision is not considered appropriate. Accordingly, the Officer Recommendation below make provisions to secure a commuted payment by way of a Section 106 Agreement.

Conclusion

27. It is considered that the proposed development satisfactorily overcomes the previous reasons for refusal with the overall bulk of the dwelling as proposed being reduced from the previously refused scheme. It therefore can no longer be considered as overdevelopment of the site and the development would not be harmful to the character of the street scene or to residential amenities.

REASON FOR APPROVAL

28. The proposed development is considered to be in accordance with Adopted Development Plan Policies SS1 and SS2 and ENV7 of the East of England Plan 2008, in addition to Policies HS02, HS27, HS28, HS30, HS32 and CN01 of the Babergh Local Plan Alteration No.2, by reason of this scheme constituting a development that is acceptable in terms of layout, design, scale and relationship to adjoining development. The proposal does not give rise to highway safety issues, nor would it have an adverse impact upon residential amenity or the character and appearance of the area.

RECOMMENDATION

- (1) That, the Solicitor to the Council be authorised to secure a planning obligation agreement under Section 106 of the Town and Country Planning Act, 1990, to ensure:
- Financial contribution towards Public Open Space provision
- (2) That, subject to the completion of the planning obligation in Resolution (1) above being secured the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
- Standard Time limit
 - Parking to 4 Windermere Road to be completed prior to commencement of development

- Submission of material samples
 - Parking spaces to be retained for parking of vehicles at all times.
 - Removal of Permitted Development Rights for further extensions and for insertion of new openings above ground floor level.
 - Landscaping scheme.
- (3) That, in the event of the planning obligation referred to in Resolution (2) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- Lack of financial contribution towards Public Open Space provision