

Agenda Item 39.

Development Management Ref No	No weeks on day of committee	Parish of	Ward	Listed by:
170794	26/26	Wokingham Town	Emmbrook	Cllr Mirfin

Applicant Mr Francis

Location Land to the rear of 39 and 41 Lowther Road, **Postcode** RG41 1JB. Wokingham

Proposal Full application for the proposed erection of 2no detached 4xbedroom two storey dwellings and new access driveway.

Type Minor

PS Category 13

Officer Katie Herrington

FOR CONSIDERATION BY Planning Committee on 13th September 2017
REPORT PREPARED BY Head of Development Management and Regulatory Services

SUMMARY

The application site is in a Major Development Location in the defined settlement boundary of Wokingham. The proposed development is for the erection of 2 no. 4 bedroom detached dwellings on land currently used as residential garden.

The proposal has been revised to help address concerns raised by residents, the Parish and Local Members. The scale and detailing of the buildings have been reduced from that as originally submitted and altered to address concerns of their impact upon residential amenity and upon the street scene. This includes reducing the scale and massing of the buildings and removing or obscuring glazing some of the windows.

As a result of these changes, the proposed dwellings, whilst larger than the existing backland dwellings would not appear cramped, overbearing or otherwise out of character with the street scene in which they relate. The proposal would also comply with the separation distances as set out within the Borough Design Guide, having an acceptable impact on the amenity of the occupiers of the neighbouring dwellings. It is considered that sufficient parking will be accommodated into the scheme and that no detrimental highway safety implications will arise. Areas of soft landscaping and adequate garden sizes would be incorporated.

The proposed development is considered to be acceptable in all aspects and compliant with the relevant national and development plan policies. The application is accordingly recommended for approval subject to conditions.

PLANNING STATUS

- Major Development Location
- Groundwater Zone
- Aerodrome Safeguarding for Wind

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

This permission is in respect of the submitted application plans and drawings numbered ref:

Landscaping plan

X01 rev J

X02 rev K

04 rev F

X01 rev E

Location Plan

X05 rev K

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. **Material Samples/details**

Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

Reason: To ensure that the external appearance of the building is satisfactory.

Relevant policy: Core Strategy policies CP1 and CP3.

4. **Tree protection**

a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works

required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

5. Landscaping

Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, boundary treatment, tree pits spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. Details of boundary treatment and hard landscaping shall also be included. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development)

6. Tree retention

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development)

7. Vehicular parking and turning

No part of any building(s) hereby permitted shall be occupied or used until vehicle parking and turning space has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The vehicle parking and turning space so-approved shall be retained in accordance with the approved details and the parking space remain available for the parking of vehicles at all times and the turning space shall not be used for any purpose other than vehicle turning.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

8. Cycle storage

Prior to the commencement of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for the occupants of the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

9. 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.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

10. Drainage

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent government guidance),

and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: This is to prevent increased flood risk from surface water run-off. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

11. Hours of construction

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 8:00am and 6:00pm Monday to Friday and 8:00 a.m. to 1.00p.m. Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

12. Permitted Development Rights

Notwithstanding the provisions of Class A of Part 1 of the Second Schedule the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement permitted shall be carried out without the express permission in writing of the local planning authority.

Reason: to maintain a continuity of the development and preserve the character and appearance of the area.

13. Obscure glazing

The upper floor side windows in the development hereby permitted in units 1 and 2 and the upper floor middle front elevation window in unit 1 shall be fitted with obscured glass and shall be permanently so-retained. The window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

Reason: to avoid overlooking into neighbouring dwellings and a loss of privacy.

14. No new openings

Notwithstanding the provisions of the Town and Country Planning, (General

Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or similar openings shall be constructed in the first floor level or above in the side elevations of the buildings hereby permitted except for any which may be shown on the approved drawing(s).

Reason: To safeguard the residential amenities of neighbouring properties.

Relevant policy: Core Strategy policy CP3

15. Boundary Treatment

Before the development hereby permitted is commenced details of all boundary treatment(s) shall first be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interests of amenity and highway safety. Relevant policy: Core Strategy policies CP1, CP3 and CP6

16. Nesting Birds

All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with Policy CS36 of the core strategy and wildlife legislation.

17. Biodiversity enhancements

No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscape planting has been submitted and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as per the approved details

Reason: To provide biodiversity enhancements in and around developments in accordance with Paragraphs 109 and 118 of the NPPF.

Informatives

1. 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. This planning application has been the subject of positive and proactive discussions with the applicant in terms of: addressing concerns relating to highway safety and residential amenities. The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is

considered to be a positive outcome of these discussions.

2. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.
3. The development hereby permitted is liable to pay the Community Infrastructure Levy. This is a matter for the developer. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>.
4. The applicant is advised to consider the rubbish and recycling information on the Council's website: <http://www.wokingham.gov.uk/rubbish-andrecycling/collections/information-for-developers/>.

PLANNING HISTORY

F/2006/9154. Proposed erection of two detached dwellings with associated garages and car parking. Refused. 20/12/2006.

- Refused due to a lack of infrastructure contributions.

F/2004/3095. Erection of 5 detached dwellings and demolition of number 45 Lowther Road. Refused.

- Refused due to 'inefficient use of land'

SUMMARY INFORMATION

Site Area	0.1194 ha
Previous land use(s) and floorspace(s)	Residential garden
Existing units	0
Proposed units	2
Existing parking spaces	0
Proposed parking spaces	6
Proposed density	16.75 dph

CONSULTATION RESPONSES

Highways	No objections subject to conditions 7 and 8.
Environmental Health	No comment.
Waste Services	No comments received.

Drainage: No objection subject to **condition 10**

Landscape and Trees No objection subject to **conditions 5, 6.**

Ecology No objection subject to **conditions 16 and 17**

Cllr. Mirfin,

- supports comments made by Emmbrook Residents association
- Backland development on this site should be resisted(**See paragraph 9**)

Emmbrook Residents Association (ERA):

- Past refusals set precedent for future applications
- Given amount of new development going up, no need for this proposal. (**See paragraph 10**)
- Dwellings scale and massing is too large (**See paragraph 12**)
- Would result in overlooking (**see paragraph 28- 34**)
- Errors in design and access statement

Officer comment: Each planning application must be determined on its own merits. The design and access statement has been amended since these comments were made.

Further comments have been received following re-consultation on the revised proposal:

- Gardens are now not considered brownfield land.
- The dwellings are still larger than the neighbouring properties.
- The fence retained to the front of the dwellings would create a barrier between them and the street, the plans are misleading.
- Highlights discrepancies in the Design and Access Statement and expresses views regarding statements made within it.

Parish Council – Objection:

- The scale and mass of the proposed dwellings would have a detrimental impact on the amenities of the occupants of neighbouring properties and their quality of life, contrary to policy CP3 of the adopted Core Strategy (**See paragraphs 27 -46**)
- The ridge height of the proposed dwellings is excessive in relation to the adjoining properties (**See paragraph 16**)
- The proposed dwellings do not reflect the character of the area and therefore represent inappropriate backland development which does not comply with the adopted Borough Design Guide. (**See paragraph 24**)

REPRESENTATIONS

Neighbours: 18 Objections, 1 no comment. (including those received after re-consultation).

Existing development

- Further development needs to be managed more than ever

- Wokingham council's MDD resists inappropriate development in residential back gardens
- Lower priority for backland sites given the number of current development sites in Wokingham **(See paragraph 10)**
- The proposal is inappropriate as it is not needed. **(See paragraph 10)**

Policy

- Government reclassified garden land from brownfield to green field – encouraging retention of gardens/resisting their development. **(See paragraph 10)**

Highways (see paragraphs 48 - 51)

- Increased traffic
- Issues with the road infrastructure
- Lack of parking in Evesham Place which would be made worse
- Issues of safety for children who play in the space (turning head)
- Evesham Place not yet adopted (which would require mitigation of ground water issue).
- Dropped curb is not approved
- No room for construction traffic or place for workers to park (*Officer Comment: a construction management plan is attached to address disturbance during construction **condition 9***).

Planning history

- Past 2 applications were refused

Character (See paragraph 11 - 25)

- Houses are larger than that of Evesham Place and Lowther Road.
- Overdevelopment
- Scale and massing is too large
- Design will stand out inappropriately
- The layout of the development is poor – narrow access and no space for front garden.
- Piecemeal development reduces character of the area
- Conifer trees on the boundary between Common Road and proposed buildings are not sufficient to provide long term screening
- Would remove a green and pleasant amenity, removing hedges, trees and grassland. (*Officer Comment: the site is already clear of trees*).
- There is a TPO tree nearby. (*Officer Comment: There is not a TPO tree that is in proximity to the site that would be impacted by the proposal or its construction*).
- An amount of 'artistic license' with the plans.

Residential amenity (See paragraphs 28 - 47)

- Would cause overlooking
- loss of privacy
- Would cause shadowing to back gardens of number 4 – 7 Evesham Place, and block light from sun from November to February
- Amenities will be compromised with a view of cars against the backdrop of large house
- Significant increase in noise due to vehicle movements
- Vegetable garden will lose the light
- Small rear gardens.**(See paragraph 27)**

- More headlights would shine into bedrooms and living rooms.

Drainage and flooding (See paragraph 54)

- Ground Water issues is an existing problem for Evesham Place (2007 and 2016) nearly flooding Evesham Place.
- No volumes provided with proposed crate soakaways. No details given of foul water distribution or connection.

Ecology

- Birds nest in the trees.
- Loss of wildlife habitat

*Office comment: conditions to avoid disturbance to nesting birds is addressed in **condition 16** and biodiversity enhancement around the development is required by **condition 17**.*

Sustainability

- Removal of trees have not included plans to provide substantial carbon offset and therefore are harmful
- Development will exacerbate effects of climate change by covering greenfield land with non-porous areas leading to run-off.
- Houses would adversely affect environment by way of noise, more cars, pollution, demand for school places etc.

*Officer comment: The proposals of this size, the assessment of the environmental sustainability of the proposal by way of climate change/ carbon offset is now covered under Building Regulations following the removal of the Code of Sustainable Homes. It would not be reasonable for the LPA to require such offsets. It would not be reasonable to refuse this application based on the need for additional school places since such increase in demand would be small. In terms of pollution Environmental Health have no comment to make to the proposal, and in terms of more cars Highways have raised no objection to the proposal. The proposal is for two residential dwellings in a residential area and as such the noise levels arising from the development would be consistent with that of a residential area. Noise from construction has been controlled by way of condition for hours of **construction 11**.*

Other

- Application form contains many opinions regarding design, access and thermal efficiency.
- Potential to damage no.36 and 34 Commons Road due to proximity of the building to them.
- Errors in the design and access statement- the appendix is not online (*Officer Comment: this has been amended and consulted on*)
- Loss of views – Residents would end up looking on to houses.
- Pavements and roadway etc form part of the application site.
- Access required to Evesham place for a chronically ill resident.

Officer comments: Issues of potential damage during construction and views are not a matter material to the determination of this planning application.

APPLICANTS POINTS

- The houses are laid out giving similar spacing in line with existing properties within the area. The spacing would also meet the council's standards. The siting of the houses also protects the amenity spaces adjacent properties both to the North West and South East in Lowther Close.
- The scale of the two buildings on the site are similar to the seven houses currently in Evesham Place noticeably No's 2 and 3 and are similar in design and they reflect the context and bulk of the majority of existing buildings within the locality.
- The setting of each building allows sufficient space within the development for soft landscaping, which not only consists of a grassed area, but shrub planting and new tree planting. A number of existing trees are to be retained around the site.

PLANNING POLICY

NPPF	Chapter 4: Promoting sustainable transport Chapter 6: Delivering a wide choice of quality homes Chapter 7: Requiring good design Chapter 10: Meeting the challenge of climate change, flooding and coastal change Chapter 11: Conserving and enhancing the natural environment
Core Strategy	CP1 Sustainable Development CP2 Inclusive communities CP3 General Principles for Development CP5 Housing mix, density and affordability CP6 Managing travel demand CP7 Biodiversity CP9 Scale and location of development proposals CP17 Housing delivery
MDD Local Plan	CC01 Presumption in Favour of Sustainable Development CC02 Development Limits CC03 Green Infrastructure, Trees and Landscaping CC06 Noise CC07 Parking CC09 Development and Flood Risk (from all sources) CC10 Sustainable Drainage TB05 Housing Mix TB06: Development of Private Residential gardens TB07: Internal Space Standards TB21 Landscape Character TB23: Biodiversity and Development

PLANNING ISSUES

Description of Development:

1. The proposal is for 2 new dwellings accessed from Evesham Place. The dwellings would be located to the rear of number 41 and 39 Lowther Road. Unit1 would be located so that it fronts onto the flank wall of number 7 Evesham Place. Unit 2 would

front onto Evesham Place.

2. The garden of number 41 Lowther Road would be reduced to 19.4m and the garden of number 39 Lowther Road would be reduced to 21.9m in depth.
3. The application site did contain a number of trees however some of these have been felled during the processing of this planning application. These trees were not protected by a TPO.
4. Unit number 1 would measure 8.1 metres to the ridge, 4.8m to its eaves, 11.1 metres wide (excluding the chimney). The garage would measure 5.4m to the ridge, 2.6m to the eaves. Its garage would be located 2.8m from the boundary with number 7 Evesham Place and 4.1 m from the flank wall and boundary fence of the garden of number 7 Evesham Place. The front elevation of unit 1 would measure 8.7m from the boundary of the site or 10 metres from the boundary with the flank elevation of number 7. The rear of unit 1 would be 14.8m from the boundary with number 25 Lowther Close.
5. Unit number 2 would be 8 metres in height, 4.8 metres to the eaves and 8.3 metres in width. Unit 2 would be located approximately 7.2 metres from the boundary of the site with Evesham Place. It would be located 4.2 metres staggering to 1.5 metres from the rear garden boundary of 41 Lowther Road.

Principle of development

6. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
7. The site is located within settlement limits within a major development location.
8. The proposed dwellings would be located within an area of private garden and therefore policy TB06 of the Managing Development Delivery Document applies.
9. A number of objections have referred to the proposal as being unacceptable because it is a form of backland and/or garden development. The relevant development plan policy for backland development is TB06. For clarity, TB06 does not prohibit all backland/garden development in principle as standard, but rather, policy TB06 will resist inappropriate development of residential gardens where development would cause harm to the local area. The NPPF does not define private residential gardens as a form of 'previously developed land' and this is a material consideration in the determination of this planning application.
10. A number of objections to the proposal argue that lower priority should be given the number of development sites in Wokingham and that the proposal is inappropriate as, given the amount of development in the Borough, the site is not needed. Whilst the council has a NPPF compliant supply of housing land, this does not mean that the Council cannot allow additional housing development if such proposals would comply with development plan policy. Such considerations are set out in this report.

Design and impact on character and appearance of the area

11. The application site comprises of sections of garden from 2 dwellings. Policy TB06 of the MDD Local Plan states that proposals for new residential development that includes land within the curtilage of private residential gardens will only be granted planning permission where the proposal makes a positive contribution to the character of the area with reference to a set of criteria. Such criteria is now accessed in relation to the current proposal.

Siting, scale and massing

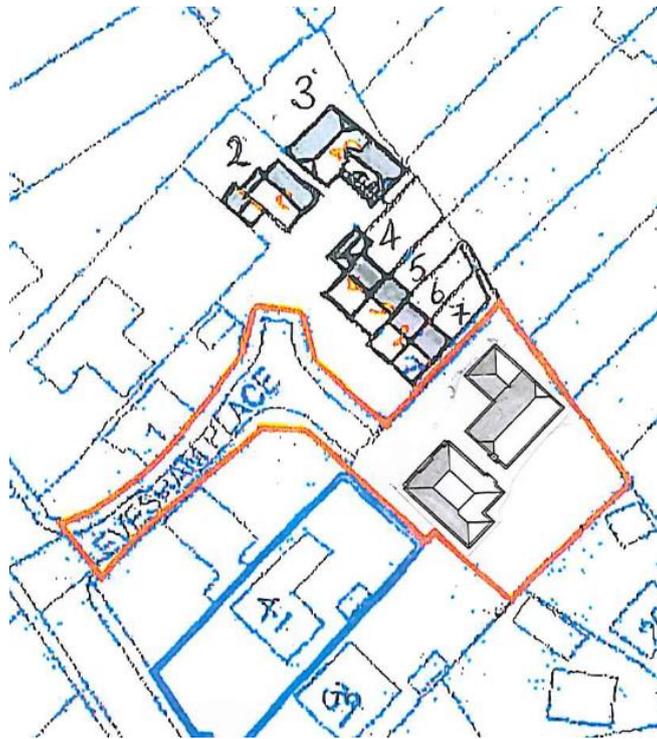
12. Policy TB06 requires that proposals for new residential development that includes land within the curtilage of private residential gardens will only be granted planning permission where the proposal makes a positive contribution to the character of the area in terms of:

- I. The relationship of the existing built form and spaces around buildings within the surrounding area;*
- II. A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of unit/frontages, parking areas, and*
- III. Existing pattern of openings and boundary treatments on the site frontage*
- IV. Compatibility with the general building height within the surrounding area*

13. The site would be accessed from Evesham Place and would be opposite the existing dwellings that form part of the Evesham Place development.

14. Evesham Place is a backland development of 7 dwellings consisting of a terrace of dwellings to the rear of the site and two larger dwellings located to the side of the terrace, and one dwelling fronting Lowther Road. The proposal would result in the erection of two dwellings in the rear garden of 41 and 39 Lowther Road. One unit would face out towards the turning head of Evesham Place, the other unit would face onto the side garden of number 7 Evesham Place. As such the proposal, whilst a backland site would have a functional relationship with the streetscene.

15. It is acknowledged that unit 1 would face towards the side elevation of number 7 Evesham Place and the dwellings form an addition to an existing backland development. However, the proposal replicates the existing layout of numbers 2 and 3 Evesham Place. For this reason, the development represents a logical rounding off of the backland site. This can be seen on the plan below:



16. Evesham Place consists of a terrace of dwellings (nos.4 – 7) and two detached dwellings (2 and 3). Number 1 faces Lowther Road. The scale and massing of the dwellings varies, with a terrace in the middle, and two detached dwellings of different sizes. The proposed dwellings would be larger than the other dwellings of Evesham Place. However, given such variation in the building sizes, larger dwellings in the street scene would not harm this varied character. The dwellings would not appear cramped within their plots, allowing greater space around and between the dwellings than that had between number 2 and 3 Evesham Place, appearing more spacious. Permitted development rights for Class A extensions have been removed in order to limit harm caused by additional bulk to these properties (**Condition 12**). As such, given the existing variation of dwelling sizes, and that the proposed dwellings do not appear cramped within their plot, the proposal would not adversely harm the character of the street scene of Evesham Place.
17. The proposed dwellings would also be lower than the prevailing building heights of Evesham Place. Whilst the proposed buildings would be significantly higher than the bungalows of Lowther Road, the principle of higher buildings in this area has been established and given such height the proposed building height would not appear out of character.



18. The proposal would incorporate parking to the side or front of the dwellings which is consistent with Evesham Place. Details of boundary treatments are dealt with by way of **condition 15**.

19. It should be noted that revised plans have been received by the Local Planning Authority which reduce the size of the proposed dwellings, which were originally significantly larger than those which are now proposed. After these revisions, the proposal would be in keeping with the relationship of the existing built form and spaces around the buildings, the built up coverage of the plots, rhythm of plot frontages, and parking areas, and is compatible with the general building height in the surrounding area. Further to this, the development would result in a positive impact on the character of the area, by rounding off the existing backland site and complementing the existing built form of Evesham Place. As such, the proposal would comply with this part of Policy TB06 of the MDD.

Detailing

20. Policy TB06 goes on to say that proposals for new residential development that includes land within the curtilage of private residential gardens will only be granted planning permission where the proposal makes a positive contribution to the character of the area in terms of:

- iv. Providing appropriate hard and soft landscaping, particularly at site boundaries.
- vi. The materials and elevational detail are of high quality, and where appropriate distinctive and/ or complementary

21. The proposal would face onto Evesham Place and would have a relationship with its character. The street scene of Evesham Place consists of a staggered terrace with a pitched roof, and 3 detached dwellings. One faces onto Lowther Road, the two others face onto Evesham Place. One of the detached dwellings is of an 'L' shape configuration with a hipped roof (upon the double garage) with dormers, and the other detached dwelling has a gable roof with a canopy to the front elevation.

22. Unit1 would be of an 'L' shape configuration with a hipped roof, and unit 2 would have a gable style roof with a canopy to the front elevation. Both unit1 and 2 have

chimney features. Chimney features are present on number 2 and 3 Evesham Place and as such these would not appear out of character in this street scene. In terms of materials unit 1 and 2 would consist of tiled roof and brick faces, the details of which are secured by **condition (3)**. Such features and uses of materials would appear in keeping within the street scene character of Evesham Place.

23. The proposal site had contained a number of trees within the site that had some contribution to the street scene character. However, these have been removed during the processing of this planning application. The loss of these trees is unfortunate to the areas character and the proposal is required to provide appropriate hard and soft landscaping to mitigate such impact. This is required by **condition 4**.
24. As such, the proposal would provide a positive contribution to the character of the area in terms of additional landscaping, high quality external materials and high quality elevational detailing which would relate positively to the character of the area and would appropriately round off this backland development, in accordance with policy TB06.
25. Therefore the proposal would comply with Policy TB06 of the MDD.

Amenity of future residents

26. The proposal would provide accommodation that will exceed the internal floor size requirements as set out in national and local policy. Unit 1 would provide 4 bedrooms with an internal floor area of 157sqm, and unit 2 would contain 4 bedrooms and an internal area of 150sqm, both exceeding the Technical Housing Standards: Nationally described space standard of 117sqm and the Borough Design Guides standard of 100sqm. As such, the proposal would be acceptable in this respect.

Amenity space

27. The Borough Design Guide requires that residential gardens have a depth of at least 11 metres and are sufficiently usable and private for normal garden activities. Unit 1 would have a garden depth of 15 metres and unit 2 would have a garden depth of 13 metres. This would leave a garden depth of 21 metres for both 39 Lowther Road and 20 metres for 41 Lowther Road. The gardens would be sufficiently private and be of a size to allow normal garden activities. As such, the proposal would be acceptable in this respect.

Impact on Neighbours

Overlooking:

28. The Borough Design Guide does not specify a distance for front to side elevations in terms of privacy. However, the 'front to front' distance requires a distance of 10m.
29. Unit 1 would be located to the side of the rear garden of number 7 Evesham Place and number 36 Commons Road. The garage of unit 1 would be 2.8 metres from the

fence / side elevation of number 7 Evesham Place, and the dwelling would be some 8.7 metres away. The dwelling would be 10m from the flank elevation and garden boundary of number 7 Evesham Place, and the garage would be 4.1m away.

30. The only window proposed in the garage is that which faces to the south. There is a landing window in the middle of unit 1. However this has been proposed to be obscure glazed and can be conditioned as such (**Condition 13**). Views from the other front facing windows would be at an oblique angle and would be blocked by the roof of the garage. As such the 7 Evesham Place has an upper floor side window that serves a bathroom. This was conditioned under the consent for that dwelling to be obscure glazed and as such would not result in a loss of privacy to either of the units.
31. The Borough Design Guide requires that the separation distance of rear elevations be at least 22m. There would be a separation distance of 28m between the rear elevations of unit 1 and the rear elevation of number 25 Lowther Close and unit 2 would be 24.5ms from the rear elevation of no. 25, Unit 2 would be around 23m from the rear elevation of number 23. This would meet the requirements of the guide and as such there would not be a loss of privacy between these dwellings.
32. Unit1 has an upper floor window facing towards unit2. However, this window is proposed to be obscure glazed and as such would not result in a loss of privacy to the prospective occupants of either building (**condition 13**).
33. The Guide requires a separation distance of 12 metres between side elevations and rear elevations of dwellings. There are two upper floor windows from unit 2 facing towards the rear garden of number 41, however these are proposed to be obscure glazed and this and their non-opening could be secured by way of condition. The distances between the dwellings would be 16 metres. As such the proposal would not result in a loss of privacy in this respect. Views from ground floor windows would be obscured by the boundary fences.
34. As such, the proposal meets the requirements of the Borough Design Guide and is acceptable in terms of loss of privacy.

Loss of Light:

35. The garden of number 7 Evesham Place would be to the north west of Unit 1. The garage of unit1 would be around 4 metres from the garden boundary with number 7, and the dwelling would be some 8.7 metres away from the site boundary. Whilst the proposal, given its orientation, would result in some shadowing to the rear garden of number 7, given the separation distance and its scale and massing, the proposal would not result in a harmful level of shadowing and loss of light to the rear habitable windows of number 7 or to the garden area.
36. The side elevation of unit1 would be close to the boundary with 36 and 34 Commons Road. However, given the significant separation distances and the length of the garden, any shadowing would not be adverse to result in harm to their habitable windows or the quality of the garden space.
37. There would be a separation distance of 28m between the rear elevations of unit 1

and the rear elevation of number 25 Lowther Close and unit 2 would be 24.5ms from the rear elevation of no. 25. Unit 2 would be around 23m from the rear elevation of number 23. Given the separation distances, the proposal would not result in a harmful loss of daylight and sunlight to the gardens of Lowther Close or their habitable windows.

38. The distances between proposed unit 2 and number 39 and 41 Lowther Road would exceed 12 metres. The side projection facing number 41 would be single storey albeit with a tall sloping roof, and would be located to the north east of number 41. Whilst there is likely to be some shadowing to its rear garden, given the separation distance, the size of the garden, any shadowing would not be adverse to warrant refusal of the application.

39. As such, the proposal would not result in harm by way of a loss of sunlight and daylight.

Overbearing:

40. The Borough Design Guide does not specify a distance for front to side elevations, but requires as a guide that there is a 10 metre distance between the front-front elevations of dwellings.

41. Unit 2 would face onto the turning head of Evesham Place. There would be a separation distance of approximately 35 metres between it and the side garden elevation of number 1 Evesham Place. As such unit 2 would not appear overbearing.

42. Unit 1 would have its garage 4.1 metres from the side elevation of number 7 Evesham Place's garden. The façade of unit 1 would also be 10 metres from the flank elevation of number 7 Evesham Place. The separation distance of the dwelling would meet the Guides requirement for a front to front elevation relationship. The garage is single storey in height with a hipped roof. This garage would be 4.1 metres away from the garden fence of number 7. Given such separation distance and the scale and massing of the garage, the proposal would not appear unduly overbearing to result in harm to residential amenity.

43. The Borough Design Guide states that there should be a minimum distance of 12metres for a flank to rear wall relationship. Unit1 would be located close to the boundary with 36 and 34 Commons Road. However, given the length of the rear gardens of 36 and 34 Commons Road (of around 39metres), and that the proposed dwelling would be set off the boundary by between 3 – 5.8m that the proposal would not be overbearing to the extent to harm the residential amenity of 36 and 24 Commons Road.

44. Unit2 would be located close to the boundary of 41 Lowther Road. There would be a distance of 24 metres between the rear elevation of number 41 and the flank elevation of unit2. As such the proposal would comply with the council's requirements in this respect.

45. The Borough Design Guide requires that the separation distance of rear elevations be at least 22m. There would be a separation distance of 28m between the rear elevations of unit 1 and the rear elevation of number 25 Lowther Close and unit 2

would be 24.5ms from the rear elevation of no. 25. Unit 2 would be around 23m from the rear elevation of number 23. Given the separation distances the proposal would not appear overbearing.

46. As such the proposal would meet the requirements of the Guide and therefore the proposal would not appear overbearing to those properties.

Noise and light pollution

47. Concerns were raised with additional noise from vehicles access the site and from vehicle headlights. The proposal would use an existing access and turning head which is already used by vehicles. Whilst there would be additional vehicles, given that the site joins to an existing close with 7 dwellings the additional vehicles would not result in a material difference in terms of noise and light pollution from headlights. As such, the proposal would not result in harm to residential amenity in this respect.

Highways and Parking

48. Concerns were raised with regard to parking stress and issues associated with an increase in traffic. Given the size of the proposal, it would not result in a significant increase of vehicles using the road infrastructure in the local area. For this reason there would not be a detrimental impact on the local highway network which would substantiate a reason to refuse this application.

49. Six off street parking spaces have been demonstrated between the two dwellings, which would accord with the size and number of bays as required by the Council's adopted parking standards. The provision of this can be ensured by **conditions 7 and 8**. As such the proposal would comply with the council's parking policy.

50. The garage proposed at unit 1 would not accord with the Council's minimum length of 6 metres, however sufficient parking would be accommodated outside this garage and therefore this is acceptable.

51. The proposal would result in two additional dwellings. It is considered that for a development of this size that there would not be a harmful impact upon the local highway network. Highways have raised no concerns with regard to highway safety.

52. There is potential for the proposal to impact on the Local Highway in the short term, during the construction phase, however this can be mitigated by condition. A construction Management statement is required by **Condition 9** and this would suitably mitigate any short term effects of the development.

53. The Highways Officer has no objection to this development in terms of Highways impacts or parking, however they have requested a condition to ensure that adequate cycle parking is provided, this has not been demonstrated on the received plans and therefore this has been added as a condition (**Condition 8**).

Drainage and Flooding

54. Concerns were raised with regard to surface water flooding existing within Evesham Place and the impact the new proposal would have upon this. The council's

Drainage Officer has advised there is no objection to the development subject to **Condition 10**. Such details would require the proposal to not increase rain water run-off/ drainage.

CIL

55.As the proposal is for new residential floor space, it would be a CIL liable development. CIL is charged at a rate of £365 per square metre.

4.0 CONCLUSION

The application site is in a Major Development Location in the defined settlement boundary. The proposed development is for the erection of 2 detached dwellings on existing garden land. The proposal would not harm the character of the area and would not result in harm to residential amenity, meeting the Guides separation distances. The proposal would meet highway standards and not result in issues of highway safety. The proposed development is considered to be acceptable in all aspects and compliant with the relevant national and development plan policies. The application is accordingly recommended for approval subject to conditions.

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