

BOSTON BOROUGH COUNCIL

Planning Committee - 6 February 2018

Reference No: B/17/0353

Expiry Date: 27-Nov-2017

Application Type: Full Planning Permission
Proposal: Erection of two detached dwelling houses plus the construction of new vehicular accesses

Site: Land rear of 29 Woodville Road, Boston, PE21 8AP

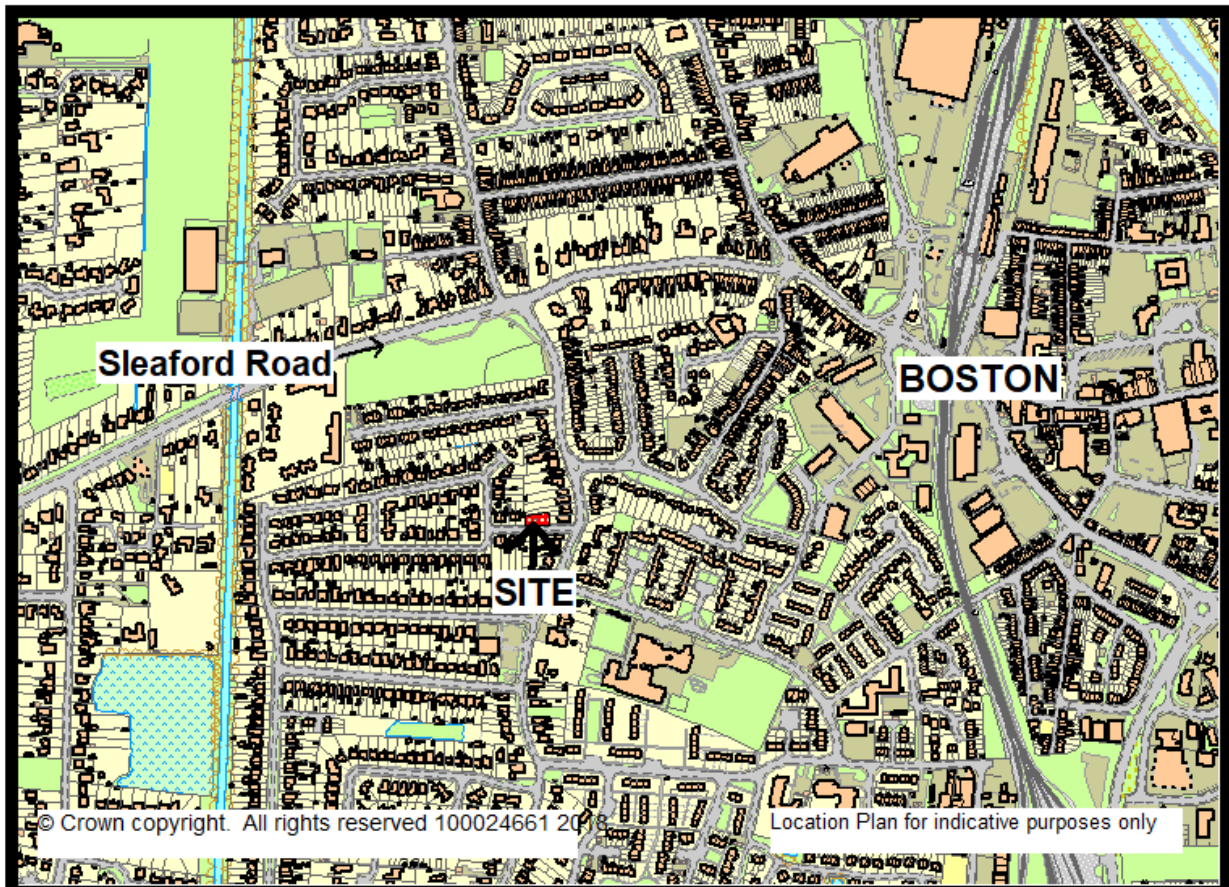
Applicant: Mr S Penson

Ward: Staniland
Parish: Boston Town Area Committee

Case Officer: Trevor Thompson

Third Party Reps: 1

Recommendation: REFUSE



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee because objections have been raised by the Environment Agency and one neighbouring resident

2.0 Application Site and Proposal

- 2.1 The application site is located within the built up area of the town, on the northern side of Cherry Walk and within a residential area. It consists of domestic garden areas which currently serve 27 and 29 Woodville Road. The site is also within flood zone 3a of the Environment Agency's Flood Maps. The site has a 27m road frontage and has a varied depth of 11m on its western boundary and 14.4m on its eastern boundary. The site covers about 0.04ha.
- 2.2 This application is for the erection of two detached dwellings plus the construction of new vehicular accesses. The design of the two dwellings is the same.
- 2.3 The application has been amended to overcome the objections initially raised by the Environment Agency.

3.0 Relevant History

- 3.1 There is no site history which is relevant to this site or this form of development in the locality.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The site is within the built up area of the town as defined within the Boston Borough Local Plan but is not designated for any specific use.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy G3 – Surface and Foul Water Disposal
 - Policy G6 – Vehicular and Pedestrian Access

Housing policies

- Policy H2 – Windfall housing development
- Policy H3 – Quality of housing developments

National Planning Policy Framework

- 4.4 This Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 14 of the Framework is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.

5.0 Representations

- 5.1 As a result of publicity one letter has been submitted from the occupier of 33 Woodville Road, Boston. The neighbour has raised concerns on the following grounds:

- Overlooking and loss of privacy and amenity
- Siting of the proposed dwellings close to the road will not reflect the character and style of the area
- Concerns relating to noise and disruption, especially during the construction phase.

- 5.1 The neighbours were re-notified of the amended plans and at the time of writing this report no further representations have been received. The time period for making representations expires on the 5th February 2018. The comments made by the neighbour relating to the original scheme have not been withdrawn and are a material consideration

6.0 Consultations

- 6.1 County Highways Authority has no objections to the revised scheme.
- 6.2 Environment Agency has raised **objections** to the scheme as originally submitted on the grounds that the submitted FRA does not accord with the NPPF. This matter is discussed below.
- 6.3 Black Sluice Internal Drainage Board has made comment with regard to the disposal of surface water.

7.0 Planning Issues and Discussions

- 7.1 The key issues in the determination of this application are:

- Interpretation of planning policy
- Impact on residential amenity
- Impact on highways
- Flood risk
- Impact on the character of the area.

Interpretation of planning policy

- 7.2 Local Plan Policy H2 allows housing development within settlements provided that, inter alia, there is no loss of an open space or a frontage which contributes significantly to the area, the site is not too small to accommodate the development, the development and density are in character with neighbourhood and, that the development does not constitute tandem development. Local Plan policy H3 seeks to ensure high quality housing development whilst policy G1 in part echoes the objectives of these H2 and H3 and seeks to resist development that would cause substantial harm to the amenities of residents, nearby land users or the character of the area.
- 7.3 The development will not result in the loss of an open space or frontage which contributes significantly to the area and so this development does not contravene the criteria set by Local Plan policy H2 (1).
- Local Plan policy H2(2) which relates to the size of the site and Local Plan H2(3) which resists development where the resultant dwelling(s) and curtilages are not of a size and character which reflect the current density in the area are fundamental issues in the determination of this application. As indicated above the site covers about 400sqm and the assessment of the application in relation to Local Plan policies H2(2) and H2 (3) are discussed further below.
- 7.4 Local Plan policy H2(4) resists tandem or backland development mainly to avoid 'town cramming' and to maintain residential amenity of neighbouring occupiers. Given the location of the site in relation to neighbouring properties, this development does not constitute tandem development.
- 7.5 Local Plan policy H3 (1) resists development which does not provide a pleasant, convenient and secure environment for residents. This applies to both existing and future residents. Local Plan policy G1 resists development that will 'substantially' harm the amenity of residents and there is some overlap between G1 and H3(1). The assessment of this application in relation to residential amenity is discussed below.
- 7.6 Local Plan policy H3(2) resists developments which are incompatible with the existing character of the area in terms of layout, density, design and materials and Local Plan policy H3(3) resists developments which are close to an incompatible use. The site is within a residential area and there are no nearby uses which will affect the amenity of the future residents. This application does not contravene Local Plan policy H3 (3).
- 7.7 Local Plan policy H3(4) resists development that would aggravate adverse traffic conditions. It is proposed to provide each dwelling with a separate access point that will gain access onto Cherry Walk which is a standard estate road about 5.3m wide which junctions with Woodville Road some 30m from the application site.

- 7.8 In order to overcome the objections raised by the Environment Agency, the applicant has submitted an amended plan which shows part of the ground floor of each dwelling to be used as a garage and non residential accommodation. The proposed dwellings (and the integral garages) will be set back about 1.5m from the road and this may be problematic to highway safety during times when the garage doors are being opened in order to allow a vehicle to enter or exit the garage. The impact on highway safety and the assessment of the application in relation to Local Plan policies H3 (4) and G6 is discussed below.

Impact on residential amenity

- 7.9 The impact that the proposed building may have on the amenity of residents will be a key consideration in the determination of this application not only on the residents of the properties adjacent and opposite the site but also the residents of the proposed dwellings.
- 7.10 The proposed dwellings were originally to be 7.6m high though the design of the houses has now been changed to accommodate flood risk which has meant that the height of both dwellings have been raised to around 8 metres. In comparison, the semi detached properties opposite and to the west are about 7m high. The revised scheme incorporates bedroom accommodation in the roof space and the provision of additional windows in the front elevation to serve the two bedrooms.
- 7.11 The proposed detached building will be set back about 1.5m or so from the front boundary and incorporates windows at the upper floors on the front elevation which will overlook the rear garden areas of the properties to the south which are currently screened from the road. The occupier of 33 Woodville Road raised objections to the original scheme
- 7.12 The proposed dwelling on plot 1 will be sited about 9m from the side elevation of 1 Cherry Walk. The proposed dwelling on plot 2 will be sited about 12m from the rear elevation of 29 Woodville Road. The two end gables of the proposed dwellings facing each of these neighbouring properties do not incorporate any windows and the rear elevation includes two landing windows which will be fitted with obscure glazing. Although the design of the proposed dwellings ensures that neighbours to the side and rear may not be harmed in terms of overlooking, it may also be argued that the presence of two new structures on this site, where presently there is none will clearly have an impact on the level of amenities adjoining residents presently enjoy. The submitted block plan indicates that it is proposed to erect a 2.4m high fence along the rear boundary to help combat overlooking that may be caused by this development.
- 7.13 It is considered that the proposed development, having regard to its height, design, prominent location and relationship with neighbouring properties and boundaries, will have a substantial and detrimental impact on the amenity of both the area and of neighbouring residents, contrary to the objectives of Local Plan policies G1, H2 and H3.

Impact on highways

- 7.14 As indicated above amended details have now been submitted which shows part of the ground floor of each dwelling to be used as a garage and the remaining part of the ground floor used for non habitable accommodation in order to overcome the Environment agency's original objections.
- 7.15 Consequently the proposed accesses to serve this development onto this estate road have also been changed. It is now proposed to construct two new accesses and alter an existing access onto this road to serve both the proposed two dwellings and 29 Woodville Road. Each of the proposed dwellings will have two separate accesses onto Cherry Walk, one to serve a driveway (and parking area) to the side of each dwelling and another to serve the proposed integral garage. One of the new combined accesses will serve the integral garage at plot 2 and 29 Woodville Road.
- 7.16 The proposed dwellings (and integral garages) will be set back about 1.5m from the highway boundary. Standards (or 'recommendations') have been used in the past which required that there should be 6.0 metres of driveway between a garage door and the back edge of the adjacent highway to allow a driver to pull off the highway and leave enough space for the garage door to be opened – or closed when departing.
- 7.17 The current scheme does not accord with previous 'guidance' and although there may be some disruption to vehicular movements along this estate when each of the garages are being accessed or when vehicles are exiting, the main issue in terms of the NPPF is whether would the residual cumulative impact on the operation of the adjacent highway be severe.
- 7.18 It may be argued that that the frequency of vehicle movements along Cherry Walk are not that high in any case and therefore the impact on highway that may be generated by the garage doors being so close to the highway would not be severe and would be a mere inconvenience to other road users and pedestrians.
- 7.19 Furthermore, it may also be argued that the severity of that impact could be reduced if the garage door could be fitted with a remotely operated opening system so that the driver could open or close the garage door from the car just before arriving home or just after departing. However it is my view that such a condition would not be enforceable.
- 7.20 The County Highway Authority has no objections.

Flood risk

- 7.21 As indicated above, the Environment Agency initially raised objections on the grounds that the FRA does not comply with para 102 of the NPPF. The Environment Agency considers that some of the information in the FRA is incorrect and that the standing advice for predicted depths above 2m is that the ground floor should be restricted to non habitable accommodation. The original submitted plans showed a slab level at 3.7m ODN (ie 1m above ground level) with residential accommodation at ground level.

7.22 The Environment Agency has been consulted on the amended plans and at the time of writing this report no further representations have been received.

Impact on the character of the area

7.23 The application site lies within a residential area and the character of this area may be described as diverse, with a range house types, ages and designs. However the site itself lies within a housing estate, built around the 1960s and one of the key characteristics of this estate is the relatively large plot sizes, deep rear gardens and a strong building line.

7.24 As indicated above Local Plan policy H3(2) resists development that is incompatible with the existing character of the area in terms of design, layout , density and materials and Local Plan policy H2 (2) and H2 (3) resists developments where the site is too small to accommodate a satisfactory development and where the resultant dwelling(s) and curtilages are not of a size and character which reflect the current density in the area.

7.25 Paragraph 58 of the NPPF states that decisions should aim to ensure that developments 'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'

7.26 The proposed dwellings will be sited about 1.5m from the road. In contrast the neighbouring dwellings which form part of this estate are generally set back around 4m-5m from the estate road. Consequently both dwellings and their respective gable ends will, in my view, be very prominent when viewed along this estate road and the siting of the proposed two dwellings so close to the highway will appear alien and incongruous in relation to the other properties on this estate.

7.27 Furthermore, the rear gardens of many of the properties on this estate are of generous proportions whilst in contrast the depth of the rear gardens of the proposed two dwellings will be between 5m-7.5m. This is unacceptable in my view. It is considered that the resultant development will appear very cramped and over-developed when assessed in relation to the surrounding street-scene and other properties on this estate.

7.28 In my view, the proposed development will therefore be out of character with the area and street-scene and will contravene Local Plan policies G1, H2 and H3 and the objectives of the NPPF.

8.0 Summary and Conclusion

8.1 The principle of additional residential development on this site is acceptable given that it is located within the built up area of the town, within a sustainable location, close to existing facilities and amenities. The crux of this application therefore hinges on whether the development will cause substantial harm to residential amenity and the character of the surrounding area.

- 8.2 The NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and seeks the speedy approval of proposals that accord with the development plan and, where the plan is “absent, silent or relevant policies are out of date”, to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or that policies in the NPPF indicate development should be restricted.
- 8.3 It is my view that the adverse impact of this development would significantly and demonstrably outweigh the benefits and it is recommended that the application should be refused for the reason set out below.

9.0 Recommendation

It is recommended that Committee REFUSE the application for the following reason:

1. The proposed development, having regard to the size and shape of the application site coupled with the siting of the proposed two dwellings close to the public highway, represents over-development and will be out of character with the overall pattern of development in the area. Furthermore, the proposed development will appear dominant, alien and visually intrusive and will cause substantial harm to the amenity of the area. The proposed development will therefore contravene the objectives of Local Plan policies G1, H2 and H3 and the NPPF (2012).

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough

Simon Rowberry
Interim Development Manager