

Item No: 14

Reference: B/09/00552/FUL

Parish: SUDBURY

Location: Land North of 26 and 28 Uplands Road

Proposal: Erection of 1 no. pair of semi-detached dwellings and construction of vehicular access

Applicant: Mr G Rudd

Case Officer: Chris Tivey

Date for Determination: 16 July 2009

This application is referred to Development Committee at the request of the local Member. A Panel of Members visited the site on 8 July 2009. The reasons for the site inspection were to assess highway issues and other concerns.

THE SITE

1. The application site comprises 0.0197 hectares of brownfield land previously comprising the north eastern half of the rear gardens of 26 and 28 Uplands Road. Beyond the north eastern boundary is a semi-detached two storey house, 1 Uplands Crescent and to the rear (north west) boundary is the rear garden of 30 Uplands Road.
2. The existing roadside frontage of the site is demarcated by a 1.8m close boarded timber fence, this would be removed for a length of 9.3m. The site then widens out to its rear to up to 13m with its overall depth being 16.3m.
3. The area within which the application site is situated is a mix of residential estate and educational uses.
4. The site is on rising ground and slopes up towards 1 Uplands Crescent in a south west to north east direction.

THE PROPOSAL

5. Planning permission is sought to erect a pair of semi-detached two storey two bedroom houses. The proposed dwellings would have an eaves height of 4.45m and a ridge at 7.33m. The width of the houses would be 10.99m and their depth 7.3m.
6. Materials to be used would ensure that the development would be in character with its surroundings: concrete tiles, facing brickwork and white uPVC joinery are proposed.
7. One parking space would be provided to the front of each property; a pedestrian gateway to each side boundary would give access to each respective rear garden area and bin enclosure. The minimum distance between the proposed houses and the rear boundary would be 2.86m with garden sizes being approximately 18.5m² and 25m² for plots one and two respectively.
8. The density of the proposed development equates to 101 dwellings to the hectare.

RELEVANT HISTORY

9. B/06/1803/FUL - Erection of detached two-storey dwelling. Construction of new vehicular access.

NATIONAL GUIDANCE

10. **PPS1** (Delivering Sustainable Development)
11. **PPS3** (Housing)

PLANNING POLICIES

12. The Development Plan comprises the East of England Plan, adopted 2008, 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:

- **SS1** (Achieving Sustainable Development)
- **ENV7** (Quality and the Built Environment)

Babergh Local Plan (Alteration No. 2) 2006

- **HS01** (Towns)
- **HS27** (Density and House Types)
- **HS28** (Infilling)
- **HS32** (Public Open Space)
- **CN01** (Design Standards)
- **LP01** (Parking Obligations)
- **TP15** (Parking and New Developments)

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

CONSULTATIONS

13. TC – Recommend refusal on the grounds of overdevelopment of the site and raise concern over highway issues.
14. LHA – Objected to the original proposal due to the orientation of the northern plot and the lack of pedestrian visibility. However on the submission of an amended site plan their objection has been removed and planning permission is recommended, subject to conditions.

REPRESENTATIONS

15. Three letters of objection have been received covering the following issues:
 - Out of keeping with the surrounding area;
 - Proposal will lead to overshadowing and overlooking of neighbours;
 - Vehicular access a danger to passing school children;
 - Size of site too small – overdevelopment;
 - Proposal will lead to greater on street parking pressures;
 - The proposal would likely give rise to loss of a Silver Birch tree to site frontage;

PLANNING CONSIDERATIONS

16. The application site is situated within the Built-up Area Boundary of Sudbury and by virtue of the grant of B/06/01803/FUL for the erection of one dwelling on the site the principle of residential development on the site is acceptable, subject to an assessment of all of the material planning considerations. The key issues in the determination of this application are:

- Layout and design;
- Impact upon residential amenities;
- Parking provision and Highway implications.

Layout and Design

17. The site is not within a Conservation Area and the architectural merit of the surrounding properties is of a relatively low standard. Whilst that in itself is not a reason to allow proposals that are poorly designed, Officers are of the view that the visual appearance of the proposed dwellings would fit in sympathetically within the street scene.
18. However at 101 dwellings to the hectare the development as proposed would give rise to an overdevelopment of the site; this conclusion is reached on the basis that the distance from the rear elevations to the north west boundary only amounts to 2.86m as a minimum and the resulting provision of private amenity space to each property would be very inadequate. The quality of the living environment for potential occupants of these dwellings would therefore be poor and contrary to the general advice as set out within PPS1 and Policy SS1 of the East of England Plan.
19. Policy HS28 of the Local Plan states that applications for infilling or groups of dwellings will be refused where, inter alia: the proposal, in the opinion of the District Council, represents overdevelopment of the site; the layout provides an unreasonable standard of privacy, garden size or public open space; and the proposal is out of scale, density or form which would be out of keeping with adjacent and nearby dwellings. For the reasons as set out within paragraph 15 above, the proposal is considered to be contrary to this policy.
20. The visual presence of the parking spaces to the front of each property would appear quite dominant, however a planting area is proposed to each side of them and taking into account the existence of similar such situations within the residential estate, this is not considered to be objectionable.

Impact upon Residential Amenities

21. In view of the relationship (and orientation) between the proposed dwellings and the existing properties that surround the site it is unlikely that a material level of overshadowing and therefore loss of residential amenity would result.
22. The most affected property in this respect would be 1 Uplands Crescent, however this does not have windows serving habitable rooms on the facing elevation and taking into account the fact that a two storey dwelling has been approved on the site in a similar location leads Officers to the conclusion that a refusal of planning permission on this basis could not be substantiated on appeal.
23. However, unlike the previous approval that permitted the erection of a dwelling on condition (No. 11) that the first floor rear windows serving two bathrooms and a landing area the current proposal shows rearward facing windows serving bedrooms. It is not considered that it would be reasonable to require these to be obscurely glazed and therefore no planning condition would make the grant of planning permission acceptable in this respect. Therefore there would be unacceptable overlooking from these aforementioned windows upon the rear garden areas of 30 Uplands Road and 1 Uplands Crescent in particular. On this basis planning permission should also be refused.

Parking provision and Highway implications

24. The Local Highway Authority has removed its earlier objection on receipt of an amended site plan and now recommends that planning permission be granted, subject to its standard conditions.

25. The provision of one parking space per dwelling for the proposed development complies with the Council's adopted standards in an accessible location such as this.
26. It is however noted that from the representations received that on street parking is at a premium in this area and with less soft landscaping than proposed it would be possible to provide two off-street parking spaces per dwelling.
27. The proposal is therefore considered to be acceptable in terms of parking provision and its impact upon the local Highway.

Public Open Space

28. Policy HS32 of the Adopted Local Plan requires all applications proposing new dwellings to make provisions 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.
29. In this case, given the small size of the site and layout of the development, on-site Public Open Space provision would not be appropriate. The applicant has provided the requisite documentation to enter into a planning obligation with the local planning authority to provide a commuted sum towards off-site Public Open Space Provision.
30. If however the agreement has not been signed by the time of the Committee meeting, lack of provision for a Public Open Space contribution would be a further reason to refuse planning permission. A further update on the matter will be undertaken at the meeting.

CONCLUSION

31. It is considered that the proposed development would constitute over-development of the site with inadequate private amenity space provided to meet the needs of its potential occupants. The proposal would also give rise to a loss of residential amenity to the occupants of neighbouring properties and therefore the proposal would be contrary to Policies SS1 and ENV 7 of the East of England Plan; and Policies HS01, HS27, HS28 and CN01 of the Babergh Local Plan Alteration No.2 (2006).

RECOMMENDATION

That planning permission be refused covering the following issues:

- Lack of private amenity space/overdevelopment of the site;
- Unacceptable overlooking of neighbouring residential properties.