



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/00189/APP	AYLESBURY The Local Member(s) for this area are: -	16/01/18
PART TWO STOREY /PART SINGLE STOREY REAR EXTENSION AND CONVERSION INTO 2 FLATS AND ERECTION OF TWO STOREY BUILDING TO SIDE TO PROVIDE 2 FURTHER FLATS 79 MEADOWCROFT HP19 9LP MR K COLLINS	COUNCILLOR TUFFAIL HUSSAIN  COUNCILLOR ANDERS CHRISTENSEN  COUNCILLOR GRAHAM MOORE	
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### 1.0 The Key Issues in determining this application are:-

- a) **The planning policy position and the approach to be taken in the determination of the application**
- b) **Whether the proposal would constitute a sustainable form of development having regard to:**
- **Building a strong competitive economy**
  - **Delivering a wide choice of high quality homes**
  - **Promoting sustainable transport**
  - **Conserving and enhancing the natural environment**
  - **Conserving and enhancing the historic environment**
  - **Good design**
  - **Meeting the challenge of climate change and flooding**
- c) **Impact on residential amenity**

The recommendation is that permission be **GRANTED**

### CONCLUSIONS – THE PLANNING BALANCE

The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposals deliver sustainable development. Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies of the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

It is accepted that the development would make a contribution to the housing land supply which is a significant benefit to be attributed limited weight in the planning balance, as it is tempered due to the scale of development that is proposed. There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached due to the scale of the development proposed.

Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impacts on choice of homes, sustainable transport, natural environment, design, and flood risk. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.

It is considered that this would be a sustainable development for the reasons elaborated in the report. Therefore the development would comply with the provisions of policies GP8, GP24, GP35, and GP39 of the AVDLP, and the core principles in the NPPF. The proposal has benefits that must be attributed limited positive weight in the planning balance, given the scale of the development.

Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 14 of the NPPF, it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the limited positive housing and economic benefits of the proposal. It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. STC5. RE03.
2. US04 – Matching materials. RE11.
3. Prior to the occupation of the development, the existing access to Meadowcroft shall be upgraded in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access Within Highway Limits" 2013.
4. Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
5. HG20 Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates or other means of enclosure, other than those shown on the approved plan shall be erected across the access way within 5 metres of the edge of the carriageway.  
RE49 To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users.
6. LDS1 – Landscaping scheme to be submitted  
Reason: RE14
7. LDS5 –  
Reason RE14
8. Prior to occupation of the development, space shall be laid out within the site for parking and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

9. No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 0.6 metres above the level of the centre line of the access.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

## **WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the application was considered to be acceptable as submitted and no further assistance was required.

### **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by committee as the Town Council has raised material planning objections and confirms that it will speak at the Committee meeting.

### **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The site comprises a corner plot of a semi-detached, two-storey brick and tile dwellinghouse on the corner of Meadowcroft, opposite the play area at Watermeadow. The site is level bound by a low stone wall and closeboard fencing to the front and side and higher closeboard fencing around the rear garden. There is a detached garage to the side of the dwelling. Access is via a gated driveway to the front/side of the dwelling for several cars.
- 3.2 To the north of the site is public highway with a play area beyond; to the south is an attached dwelling, forming an L-shape with its neighbour (No.77) projecting forward with gable facing towards the road. To the east is highway with a similar pair of semi-detached dwellings opposite, to the west is No 81 Meadowcroft; an end of terrace two storey dwelling with a large Oak tree located close to the shared boundary; and to the southwest is No.8 Melford Green, an end terrace bungalow facing the green to the south.
- 3.3 The site currently forms the area of land to the side of the existing property belonging to 79 Meadowcroft. This property is sited on the west side of Meadowcroft at the point where the road takes a 90 degree turn to the west and this results in the site being enclosed on two sides by road frontages. The boundaries to the sides are demarcated by part wall, part 1m high close board fence.
- 3.4 There is traffic calming on Meadowcroft to the southeast and northwest of the site

### **4.0 PROPOSAL**

- 4.1 The application seeks full planning permission for a part two storey /part single storey rear extension and conversion into 2 flats and erection of a two storey building to the side to provide 2 further flats.. The scheme proposed is an amendment to the permission approved under reference 16/03276/APP for an attached dwelling.
- 4.2 The site proposed for the new building to the side of No.79 measures approximately 403m<sup>2</sup>, with an average width of 16.5m and depth of 24.5m. The land to which the proposal relates is flat and partly laid to lawn and comprises the side garden to No.79.
- 4.3 The proposed building would measure 9m in depth x 7.4m wide. No.79 measures 4.8m to eaves and 6.9m to the ridge and the proposed building would replicate these measurements.

- 4.4 The resulting flats would be accessed via the existing vehicular access to the front of No.79, with parking provided for the 4 flats on shared hardsurfaced area..
- 4.5 The previous approval comprised an attached dwelling and it is now proposed to separate the new building from No.79 by 0.7m and it would comprise 2 flats instead of a single dwelling.

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 16/03276/APP - Part two storey, part single storey rear extension Replacement of front porch. Demolition of existing garage. Erection of new attached dwelling to side. – APPROVED

## **6.0 TOWN COUNCIL COMMENTS**

- 6.1 Aylesbury Town Council Object to this application.
- 6.2 The proposed is overdevelopment of a small site and will have a detrimental impact on surrounding residence.
- 6.3 The committee feel this development will lead to an unacceptable increase in traffic on a blind corner with great concerns for the safe entrance and exit for the proposed flats. The committee also have concerns that the entrance for the upper unit of the existing property will be down the side, this is a potential worry for crime and disorder to occur

## **7.0 CONSULTATION RESPONSES**

- 7.1 Highways: No objection

## **8.0 REPRESENTATIONS**

- 8.1 None received

## **9.0 EVALUATION**

### ***a) The planning policy position and the approach to be taken in the determination of the application.***

- 9.1 The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

### *The Development Plan*

- 9.2 The overall strategy of the Aylesbury Vale District Local Plan (AVDLP) is to seek to concentrate the majority of growth (65% housing and employment) at Aylesbury with the remaining 35% in the rural areas. The latter was to be concentrated at a limited number of settlements. In so far as this overall strategy is one which is based on the principle of achieving sustainable development, it is considered that this is still in general conformity with the NPPF.
- 9.3 Policies RA13 and RA14 relating to the supply of housing district wide, are now out of date given that these identified housing targets for the plan period up to 2011 and the evidence relating to the districts need has changed significantly since these policies were adopted, and are not consistent with the NPPF policies to significantly boost the supply of housing based on up to date evidence.. Development proposals on sites are to be considered in the context of policies within the NPPF which sets out the presumption in favour of sustainable development at paragraph 14.

- 9.4 A number of general policies of the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP24, GP35, GP38 - GP40. In respect of policies for the supply of housing, as set out above, these are now out of date. In addition, the NPPF (at para 49) advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year housing land supply.
- 9.5 In terms of housing supply, figures for August 2017 (from the updated Buckinghamshire HEDNA) show that there is currently a 9 year supply of housing land. This uses the (October 2016) figure for Aylesbury Vale as the requirement figure (965 dwellings per annum), and doesn't include any element of unmet need at this stage.
- 9.6 However, it is acknowledged that this continues to be an interim position as no element of unmet need that the Authority will be asked to accommodate in Aylesbury Vale is included. Whilst the unmet need figure has progressed, it has not been tested through examination and it would not be appropriate to use a 'policy on' figure for the purposes of calculating a 5 year housing land supply for Aylesbury until the "policy on" figures and general policy approach has been examined and found sound.
- 9.7 This means that paragraph 49 of the NPPF is no longer engaged. However there are no up-to-date housing supply policies in VALP and therefore we still have to apply the planning balance exercise in paragraph 14.

*Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)*

- 9.8 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.
- 9.9 Currently this document can only be given limited weight in planning decisions as it is still too early in the planning making process, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment, September 2017. The Housing and Economic Land Availability Assessment (HELAA) (January 2017) The HELAA is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. It also only applies to potential sites of five or more dwellings. The site is too small to be included in the HELAA.
- 9.10 These documents form part of the evidence base to the draft VALP presenting a strategic picture.

**a) *Whether the proposal would constitute a sustainable form of development***

- 9.11 The Government's view of what 'sustainable development' means in practice is to be found in paragraphs 18 to 219 of the NPPF, taken as a whole (paragraph 6). It is only if a development is sustainable that it would benefit from the presumption in paragraph 14 of the NPPF. The following sections of the report will consider the individual requirements of sustainable development as derived from the NPPF and an assessment made of the benefits associated with the issues together with any harm that would arise from the failure

to meet these objectives and how the considerations should be weighed in the overall planning balance.

- 9.12 The site is located within the urban extent of Aylesbury Town, which is the principle settlement of the district. It is therefore considered to be a sustainable location and is capable of accommodating the level of growth proposed in the application. However it remains necessary to consider that application against the sustainability tests of the NPPF as a whole and not just locational characteristics.

#### *Building a strong competitive economy*

- 9.13 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- 9.14 It is considered that there would be economic benefits in terms of the construction of the dwelling themselves and the resultant increase in population contributing to the local economy which should be afforded limited weight in the scheme's favour given the very small scale of the development proposed.

#### *Deliver a wide choice of high quality homes*

- 9.15 Local planning authorities are charged with delivering a wide choice of high quality homes and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development (paragraphs 47-49). The housing supply position has been discussed above.
- 9.16 There is no reason that the site could not be delivered within the next five year period making a contribution to housing land supply which would be a significant benefit to which limited positive weight should be given, owing to the scale of the development and its limited contribution.
- 9.17 In respect of affordable housing the scheme does not meet the thresholds for securing such provision on site as outlined in AVDLP policy GP2 which refers to the provision of 25 dwellings or more or a site area of 1ha or more. The provision of one dwelling would add to the housing stock.

#### *Promoting Sustainable Transport*

- 9.18 It is necessary to consider whether the proposed development is located where the need to travel will be minimised, the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved.
- 9.19 Access to the flats would be from the existing vehicular access to the front of No.79 and the six proposed parking spaces are of adequate size (2.4m x 4.8m). Additionally, a 6m turning and manoeuvring area has been shown within the site which will allow vehicles to safely enter/exit the site in a forward gear.
- 9.1 The site is located within the Meadowcroft estate, close to a local centre and local facilities and schools, with a regular bus route to the town centre, bus and train stations. The Councils SPG on parking requires 1 space per unit to be provided with one visitors space for every two dwellings. The site would provide for six parking spaces for the four flats, in accordance with AVDLP policy GP24 and SPG1: Parking Guideline, and would have a safe access. It is considered that there would be no significant detrimental highways impact from the development; and has a neutral position.

#### *Conserving and enhancing the natural environment*

- 9.2 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. In addition, GP35 requires new development to respect and complement the physical characteristics of the

site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.

- 9.3 In terms of the impact on the landscape, proposals should use land efficiently and create a well defined boundary between the settlement and countryside. Permission will not be granted for development that impairs the character or identity of the settlement or the adjoining rural area. In this case the site is situated within the urban area of the town and does not have an impact on settlement character and the countryside. Whilst residential garden land is excluded from the definition of “previously developed land”, the proposal would not result in discord with the urban grain and settlement form in this location, and would maintain appropriate amenity space for properties; and is therefore considered an efficient use of land. This factor should be afforded neutral weight in the planning balance. It has localised visual impacts which are considered later within the good design section of the report (against the NPPF and policy GP35).

#### *Trees and hedgerows*

- 9.4 Policy GP39 of the AVDLP seeks to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.5 There is one significant tree, oak, located within the neighbouring property boundary which has an altered crown from where it overhangs the highway. The new building would not be located in close vicinity of this tree, it would be at least 10m at the closest point. Formal comment has not been sought from the Councils Tree Officer on this application, however given the location of the tree in relation to the proposed development, it is considered that there would be no significant impact on the amenity, landscape or wildlife value of the tree, and would accord with the above policies. This factor should be afforded neutral weight in the planning balance.

#### *Biodiversity*

- 9.6 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 9.7 The Council’s Biodiversity Officer has not commented on the application and there is no evidence of protected species being present on the site. It is therefore considered the proposal would have an acceptable impact on protected species and their habitats and would therefore comply with the relevant NPPF advice. This factor should therefore be afforded neutral weight in the planning balance.

#### *Good design*

- 9.8 In requiring good design, the NPPF states that development should add to the overall quality of the area, respond to local character and history and to reflect the identity of local surroundings. This aim is reflected in Policy GP35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines.
- 9.9 The proposed extension to the existing dwelling would project to the rear by 4.5m, part two storey, part single storey. Although almost doubling the footprint of the dwelling, the scale would not overwhelm the original dwellinghouse. It would have matching eaves and ridge height and would not have a detrimental impact on the character and appearance of the existing dwellinghouse, reflecting the gable form of the existing attached dwelling. This extension would be screened from the public view by the proposed attached dwelling. The proposed hipped roof to the porch would enhance the street scene and reflect similar extensions in the area. This extension is in line with the extant permission and formed part of the previous approval.



- 9.10 The proposed new building would be set 0.7m away from No.79 and set slightly further back than the frontage elevation of the adjacent property No.79. The proposed building would measure 9m deep x 7.4m wide, with a height of 4.8m to eaves and 6.9m to the ridge. This would largely reflect the dimensions of No.79, the adjacent property. The scale, form and materials would closely reflect No.79 dwelling and surrounding properties. The development would maintain a building line drawn across the fronts of both the neighbouring dwelling and the terrace to the west.
- 9.11 It is therefore considered the development would provide for good design, and respect the character and appearance of the site and the wider locality; and would accord with the criteria of AVDLP policy GP35, and the guidance in the Design Guide: New dwellings in Towns and Villages. This represents an absence of harm, and therefore this factor should be afforded neutral weight in the planning balance.

*Meeting the challenge of climate change and flooding*

- 9.12 Paragraph 103 of the NPPF requires new development to consider the risk of flooding to the site and elsewhere. The site is not within a Flood Zone and therefore considered to be at no risk of flooding. The site does include an area of identified surface water flooding, and therefore a SUDs strategy should be provided. Due to the scale of the development and the layout of the site it is considered appropriate that this could be required by condition. This is a limited negative weight that can be neutralised by the imposition of a condition requiring the submission of an appropriate drainage scheme prior to the commencement of development; and therefore this factor should be afforded neutral weight in the planning balance.

*Impact on residential amenities*

- 9.13 Policy GP8 of AVDLP seeks to protect the residential amenity of nearby residents whilst a core planning principle of the NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.14 The proposed extension and new building would not conflict with the 45 degree line from any window of any neighbour and would be sufficient distance from any boundary that it would not have an overbearing impact on nearby properties. There would be no harmful loss of quality of outlook from the proposal. Therefore the development would accord with AVDLP GP8 and the advice in the NPPF. This factor should be afforded neutral weight in the planning balance.

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