

17/04202/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
17/04202/APP	BUCKINGHAM	13/11/17
LOFT CONVERSION, INCLUDING THE INSERTION OF NOS. 2 DORMERS AND ROOFLIGHT AT THE FRONT ROOF AND NOS. 3 ROOFLIGHTS AT THE REAR ROOF, AND SINGLE STOREY REAR EXTENSION 15 BERNARDINES WAY MK18 1BF MR & MRS DARREN VINCENT	The Local Member(s) for this area is/are: - Councillor Robin Stuchbury Councillor Howard Mordue	
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1.0 The Key Issues in determining this application are:-

- a) Impact upon character and appearance of original property and the character and appearance of the area in general
 - b) The impact upon amenities of neighbouring residential properties
 - c) Impact on Highways and Car Parking
- The recommendation is that permission be **GRANTED**, subject to conditions

1.1 CONCLUSION & RECOMMENDATION

- 1.2 The proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the street scene or the locality in general. Given the positioning of the proposed works and their relationship relative to the neighbouring properties in terms of scale, position of windows and orientation, it is considered that the proposal would not have an unacceptable adverse impact upon the amenities of the neighbouring properties. In terms of the impact on the highway network including net additional traffic generation, access arrangements, the proposal would not have a material impact on the safety and operation of the adjoining public highway. Although the proposal would increase the bedroom provision which would require additional parking, there would be no loss to existing parking, and having regard to the sustainable location of the site, the need for an additional parking space would not result in any significant highway impacts in this instance.
- 1.3 Consequently, the proposal is considered to comply with policies GP8, GP9 & GP35 of the AVDLP, the Council's Design Guide on Residential Extensions and NPPF.
- 1.4 It is therefore recommended that the application be **APPROVED** subject to the following conditions:-

Conditions:

1. STC5 – Standard time condition
2. AMP 1 – The development hereby permitted shall only be carried out in accordance with drawing No. 1751-P/01 submitted under cover of agent's e-mail dated 17th March, 2018 received by the Local Planning Authority on 17th March, 2018
3. US05 – Materials as approved
4. HG31 – Restriction Parking Detailed

Reasons:

1. RE03 – To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.
2. RE39 - Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.
3. RE11 - Satisfactory appearance
4. RE52 – Enable Vehicles to Draw Off Park and Turn

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 discussions have taken place with the Applicant / Agent who responded by submitting amended plans which were considered acceptable, and therefore the application is recommended for approval.

2.0 INTRODUCTION

- 2.1 The application needs to be determined by Committee as the Town Council has raised material planning objections on the grounds of the amended proposal having ½ parking spaces for a proposed 4 bedroom house, and that plot no.7 was individually named in the original planning approval (00/02155/APP) as having permitted development rights removed in Condition 8.

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) or enlargement of the dwellings comprising plots 6, 7, 33, 34, 35, 36, 37 nor the erection of any garage shall be carried out within the curtilage of these dwellings, other than those expressly authorised by this permission.”

- 2.2 The Town Council have confirmed that they intend to speak at Committee.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site comprises of a two storey end of terrace dwelling situated on the western side of Bernardines Way. The property is constructed from brick, is characterised with a gable ended roof with a rear conservatory and single attached garage and hardstanding to the north side of the property. Our records indicate that no planning permission was sought for the existing conservatory.
- 3.2 The property is set back from the adjacent highway to accommodate a small area of soft landscaping to the front. No.11 Bernardines Way is located directly to the south of the site.

No.17 Bernardines Way is located to the north of the application site where in between there are a row of garages, and a parking courtyard. To the east on the opposite side of the highway is an open green space. To the rear of the application site are the rear gardens of dwellings on Bourtonville.

- 3.3 The application site lies to the south of Buckingham town centre and in between Bourton Road and London Road in an area which is predominantly residential in appearance and character.

4.0 PROPOSAL

- 4.1 Householder permission is sought for loft conversion to accommodate an additional bedroom with en-suite bathroom, and cupboard. This would include the insertion of nos. 2 dormers and roof-light at the front roof and nos. 3 roof-lights at the rear roof, and single storey rear extension at ground floor level. The proposed single storey rear extension would measure approximately 3.5m in depth, would extend the entire width of the original rear wall and would have a pitched roof with a maximum height of approximately 3.5m with eaves height at 2.5m. It would have 3 nos. roof-lights on the pitched roof.
- 4.2 The original proposal consisted of a slightly larger rear extension in terms of depth – 3.8m approximately, the proposed front dormers were larger of a gable appearance, and an additional parking space was proposed by way of utilising some of the existing front garden. The amended plans reduced the depth of the rear extension, reduced the two front dormers in size and amended the architectural style, and the proposed additional parking space was removed. Also, it should be noted that permitted development rights for enlargements were removed by way of condition in the original planning permission (00/02155/APP) for this housing estate. However, this proposal is for an householder permission, therefore it would be assessed in accordance with AVDLP's policies and Supplementary Planning Guidance.

5.0 RELEVANT PLANNING HISTORY

- 5.1 00/02155/APP - Construction of 45 dwellings with access and replacement car park - APPROVED

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 **In response to amended plans Buckingham Town Council maintained their objection to the application and made the following comments;**

“Members noted that the dwelling still had what amounted to 1 ½ parking spaces for a proposed four bedroom house, and this plot (no.7) was individually named in the original approval (00/02155/APP, clause 8) as having PDR removed:

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) or enlargement of the dwellings comprising plots 6, 7, 33, 34, 35, 36, 37 nor the erection of any garage shall be accrued out within the curtilage of these dwellings, other than those expressly authorised by this permission.

They therefore declined to alter their response dated 21st December, 2017.”

6.2 Buckingham Town Council objected to the original application and had the following comments to make:

“Members had considered this application at the 27th November meeting, responding ‘No Objection’. The application details appeared on the website on 14th November and were formally advised to BTC on the 16th, but the yellow notice was not posted until the 29th November. The neighbours have subsequently registered detailed objections both on the accuracy of the drawings supplied and the effects on their property, and feel that the Town Council made response without full information on neighbour's views.

It was AGREED that the Committee's response be changed to OPPOSE & ATTEND, quoting the lack of adequate parking, the loss of amenity to the neighbours, and the contravention of AVDC's own guidelines. Should the LPA be minded to refuse the application, the dimensions of the existing conservatory should be checked for compliance with the maximums for Permitted Development.”

7.0 CONSULTATION RESPONSES

7.1 Bucks. C.C. Highways Officer

7.2 The County Highway Authority undertook an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and were satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Furthermore, the Highway Authority commented that AVDC as the parking authority would make an informed decision on the quantum of parking required for this scale of development.

7.3 Bucks C.C. Highways Officer comments on amended scheme

7.4 The Highways Authority advised that there is no material difference in highway terms. Therefore, they re-iterated their comments to the original proposal in terms of the impact on the highway network including net additional traffic generation; access arrangements and that they were satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

8.0 REPRESENTATIONS

8.1 A letter of objection was received from Councillor Howard Mordue

- The conversion of the loft space with dormer windows at front and rear is an over development of a residential property.
- Its aspect will be detrimental to the adjoining properties, the owners who have already objected.

8.2. 5 representations were received in support raising the following:

- No objections to the proposal
- The proposal would be in keeping with the local area
- There would be no impacts to parking in the area
- No impact to sunlight

8.3 3 representations were received in objection raising the following:

- Permitted Development Rights Removed
- Loss of daylight, sunlight and overshadowing to no. 11 Bernardines Way
- Development would encroach onto no.11 Bernardines Way
- Publicity requirements not adhered to

- Representation requesting withdrawal of this planning application
- Validity and inaccuracy of drawings
- Parking provision
- Amendments do not address concerns raised previously
- Highway safety
- Proposed internal layout would result in unacceptable level of noise to no.11 Bernardines Way
- Lawfulness of existing rear conservatory and its impacts
- Proposed development not in keeping with the locality
- The proposal contravenes the 'AVDC Design Guide for Residential Extensions.'
- Scale and design of proposal
- Overdevelopment of the site
- Inadequate amenity space retained

9.0 EVALUATION

9.1 ***The impact on the character/appearance of the host dwelling and the impact on the character and appearance of the area in general:***

9.2 Policy GP9 of AVDLP states that proposals for extensions to dwellings will be permitted where they protect character of outlook, access to natural light and privacy for people who live nearby; respect the appearance of the dwelling and its setting and other buildings in the locality; and accord with published Supplementary Planning Guidance on residential extensions and the other policies of the development plan.

9.3 Policy GP35 of AVDLP states that the design of new development proposals should 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.

9.4 The proposal is for the erection of a single storey rear extension including 2 nos. dormers and 1 nos. roof-light at the front roof-pitch, and 3 nos. roof-lights at the rear roof pitch.

9.5 The proposed single storey rear extension would measure approximately 3.5m in depth, would extend the entire width of the original rear wall, would be characterised with a mono-pitch roof with a maximum height of 3.5m approximately and would be built to the boundary with no.11 Bernardines Way. The AVDC Residential Extensions design guide states in the interest of amenity the distance back from the rear elevation is restricted. The guidance states that the distance is normally no more than 3 metres for a terraced dwelling or 4 metres for a semi-detached. In this instance the application site comprises of a two storey end of terrace dwelling situated with a moderately sized rear garden, and therefore the proposed extension at 3.5m deep with the use of a pitched roof would appear as a subservient addition to the host dwelling. Furthermore, having regard to the size of the rear garden, the proposal would not appear overly cramped within its plot, and would not amount to overdevelopment. The site does back onto residential dwellings of Bourtonville which have deep rear gardens, and as such would not be a visible element when viewed from the public domain, however given its single storey composition, location at the rear, roof height, and a separation distance of approximately 6m from the rear boundary, is considered not to appear unduly obtrusive and as such would not detract from the visual amenities of the street scene and surrounding area.

9.6 The proposed 2 nos. dormers would be flat roof in appearance, subordinate, sit well in to the roofslope, and would be consistent with the existing fenestration pattern at the front of the dwelling. Furthermore, surrounding dwellings in the vicinity have front dormers, specifically dwellings on the opposite side of Bernardines Way. The dormers for the original

plans were larger, and gable-end in appearance. AVDC's Residential Extensions Design Guide states that dormers should be physically small, and set in to the roof slope so that they are not a strident feature in the roof as a whole and would be compatible to the host dwelling. The proposed dormers would be modest in their overall appearance, as such would have very little impact on the character and appearance of the area. In addition to this there would be 1 no. roof-light on the LHS of the front roof-slope, and 3 nos. roof-lights at the rear roof-slope. AVDC's Residential Extensions Design Guide states that roof-lights should be small, and located on less prominent roof-slopes. Although, the front roof-light would be visible from the public domain, it would be small in scale, as such would have limited impact to the overall appearance and character of the local area. The proposed rear roof-lights would be small in scale, and situated on a less visible roof-slope, as such they would have limited impact on the overall character and appearance of the area.

- 9.7 Buckingham Neighbourhood Development Plan is the made neighbourhood plan. However, there are no relevant policies in the neighbourhood plan to assess the impact on the character/appearance of the host dwelling and the impact on the character and appearance of the area in general.
- 9.8 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the street scene or the locality in general. The proposals are therefore considered to comply with GP9 & GP35 of the AVDLP, the Council's Design Guide Residential Extensions, and NPPF.

9.9. *Impact on neighbouring residential amenities*

- 9.10 AVDLP policies GP8 and GP9 and Design Guide: Residential Extensions seek to protect the amenities of neighbouring properties in considering proposals for extensions to dwellings.
- 9.11 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts are eliminated or appropriately controlled.
- 9.12 The AVDC Residential Extensions Design guide states in the interest of amenity the distance back from original main rear elevation is restricted. This distance is normally no more than 3 metres in the case of a terraced house and 4 metres for a semi-detached house.
- 9.13 In this case the application site and the adjoining neighbours to either side are No.11 and no.17 Bernardines Way, which set away from this application site because of a row of garages. The proposed single storey rear extension would be the full length of the rear elevation, and would be built to the shared boundary with no.11 Bernardines Way. It would project approximately 3.5m from the rear elevation, and have a pitched roof. There would be no windows to the side elevation of this extension. Whilst the proposed extension would be clearly visible to the occupants of No.11 by way of the eaves height at 2.5m and the ridge of the mono-pitch height at 3.5m, the existing 1.8m high (approximately) close-board boundary fence would screen the majority of this extension, as such there would be no loss of privacy or overlooking to this adjoining neighbour. The extension would be west facing, as such there would be limited overshadowing or loss of daylight to the neighbouring no.11 Bernardines Way. By virtue of the rear extension being single storey in height and of a limited scale, characterised by a pitched roof it is considered that the proposal would not to

result in a detrimental impact upon the residential amenities and light levels of the adjoining neighbours.

- 9.14 Buckingham Neighbourhood Development Plan is the made neighbourhood plan. However, there are no relevant policies in the neighbourhood plan to assess the impact on neighbouring residential amenities.
- 9.15 Noise levels resulting from the proposal, specifically the loft conversion, were raised by the adjoining neighbour at no.11 Bernardines Way. However, noise pollution levels are difficult to control in adjoining dwellings.
- 9.16 In summary, given the positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale, position of windows and orientation it is considered that the proposal would not have an unacceptable adverse impact upon the neighbouring amenity. Therefore the proposal accords with GP.8 of AVDLP and NPPF.

9.17. Impact on highways and parking

- 9.18 Policy GP24 of AVDLP seeks to maintain levels of car parking appropriate to the level of development. AVDC Parking Guidelines state that a 4 bed dwelling should provide 3 vehicle spaces.
- 9.19 The proposal would result in the creation of an additional bedroom from an existing 3 bed to a proposed 4 bedroom property and as such would require the provision of 3 parking spaces within the curtilage of the property in line with the adopted parking guidelines. The site currently benefits from 2 on-plot parking spaces, a garage and hardstanding. There would be no alterations to existing parking arrangements. Additionally, there are no parking restrictions on Bernardines Way, thus allowing vehicles to park on the highway with minimal disruption.
- 9.20 B.C.C. Highways after their assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements were satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.
- 9.21 The adopted parking standards are set as maximum standards and as the site is near Buckingham Town Centre, and there are bus stops in the locality as well easily accessible facilities and services, the need for further parking to be provided should be considered in this context. It is concluded that the site is in a sustainable location and it is not considered that there would be sufficient justifiable to refuse permission on the grounds of the identified shortfall in this case.
- 9.22 Buckingham Neighbourhood Development Plan is the made neighbourhood plan. However, there are no relevant policies in the neighbourhood plan to assess the impact on highways and parking.
- 9.23 Although, the proposal does not generally comply with the maximum standards set by GP.24 of the AVDLP, and AVDC's Parking Guidelines, these are not sufficient grounds to warrant a refusal due to parking and highways impacts in this case.

9.24 Other Matters

- 9.25 As previously mentioned, it should be noted that permitted development rights for enlargements were removed by way of condition in the original planning permission (00/02155/APP) for this housing estate. However, this proposal is for an householder

permission, therefore it would be assessed in accordance with AVDLP's policies and Supplementary Planning Guidance.

- 9.26 Concerns were raised by the adjoining neighbour at no.11 Bernardines Way regarding the publicity of the application. Aylesbury Vale District Council notifies neighbours by way of posting site notice(s) adjacent to, or near the site. The site notice(s) for the original proposal were posted on Bernardines Way, outside no.15 Bernardines Way, and the other site notice was posted at Bourtonville at the rear of the application site. Both site notices were posted on 29th November, 2017. For the amended proposal, the site notice(s) were posted in the same locations as above on 20th March, 2018.
- 9.27 Concerns were raised by the adjoining neighbour at no.1 Bernardines Way regarding inaccurate and misguided drawings. Through several correspondence with the objector's agent, it was stated that indicating adjoining dwellings on plans was for contextual purposes and the red edge indicated the proposal to be located within the application site.

Case Officer: Mr Abbas Sabir

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