

Contact: Sarah Nicholson DDI No. 01494 421514

App No : 17/07627/FUL App Type : FUL

Application for : Erection of 1 x three bed dwelling attached to No. 32 Queen Street and roof alterations

At Land Adjacent 32 Queen Street, High Wycombe, Buckinghamshire, HP13 6EZ

Date Received : 17/10/17 Applicant : Ms N Hodges

Target date for decision: 12/12/17

1. **Summary**

- 1.1. Permission is sought for erection of an attached 3 bed dwelling with on-site parking.
- 1.2. The dwellinghouse would be two storey in height with additional accommodation in the roof slope. The proposal would benefit from two parking spaces to the side of the property.
- 1.3. The site is located in an established residential area, close to High Wycombe town centre and within the Amersham Hill Conservation Area.
- 1.4. This proposal follows on from a similar proposal for a 4 bed dwelling considered at planning committee in December 2016, which was refused by Members on the grounds of displaced parking, its unacceptable impact on the neighbour to the south and its unacceptable impact in the street scene and thus on the Amersham Hill Conservation Area. The Council's decision was upheld at the subsequent appeal, however only on the ground of the proposals overbearing impact on the amenities of the neighbouring property to the south, caused by the proposed two storey rear projection. A copy of the appeal decision is attached at Appendix D.
- 1.5. It is considered that this revised proposal which omits the previously proposed two storey rear wing overcomes the overbearing impact on the neighbouring property which concerned the appeal Inspector. Thus this proposal is considered to be in keeping with the character and appearance of the surrounding area and to have an acceptable impact on the amenities of neighbours and future residents. The development is also considered satisfactory with regards to highways impacts. The proposal is therefore recommended for approval, subject to conditions.

2. **The Application**

- 2.1. The application site was formerly parking and gardens serving no. 32 Queen Street. It is understood that this was separated off from the property relatively recently (N.B. this was the subject on an Enforcement complaint but was concluded not to be development and therefore no action was required to be taken). Whilst the application proposes to attach the dwelling to no. 32, this 'host' property is not included within the red edge (site boundary) nor blue edge (area also within the control of the applicant) and the application should only be considered in terms of the acceptability of the proposed development, i.e. that within the red edge. The relevant notice has been served on the owner of 32 Queen Street.
- 2.2. The rectangular site around 7.7m wide and around 30m deep, is located on the eastern side of Queen Street. This residential street follows a regular street pattern with properties located parallel to the highway. Particularly on the east side, many properties are directly adjacent the pavement or within close proximity and therefore may not benefit from off-street parking. Properties also consist of a range of styles and designs and include detached houses, semi-detached properties and a terrace

of three. Parking restrictions are in force on the road and a single yellow line is directly outside the property restricting parking between 9am-4pm Monday to Saturday.

- 2.3. The proposed dwellinghouse would be two storey in height (with accommodation in the roof space) and would be attached to a currently detached two storey dwellinghouse. It would have a uniform width of around 4.6m sit under a pitched roof with eaves height to match the host property, but slightly lower ridge height. A pitched roof dormer is shown in the front elevation. The depth of the property would be around 11.1m. Two tandem parking spaces would be located to the /side of the site with private amenity space to the rear. The gap to the boundary with the neighbouring property (No. 30) would be around 3m at the closest point, increasing to around 3.3m, towards the rear of the site. A small area of hard and soft landscaping is shown at the front of the site between the proposed property and pavement edge.
- 2.4. The application has been amended to reduce the slope/height of the driveway.
- 2.5. The application is accompanied by:
 - a) Design and Access Statement
- 2.6. As indicated above this application follows a similar proposal for a 4 bed dwelling considered at planning committee in December 2016, which was refused by Members on the grounds of displaced parking, its unacceptable impact on the neighbour to the south and its unacceptable impact in the street scene and thus on the Amersham Hill Conservation Area. A copy of the application including plans and the Council's decision notice are attached at Appendix C. The Council's decision was upheld at the subsequent appeal, however only on the ground of the proposals overbearing impact on the amenities of the neighbouring property to the south, caused by the proposed two storey rear projection. A copy of the appeal decision is attached at Appendix D. The Inspector's decision is a material consideration that has to be given great weight in the determination of any subsequent application.

3. Working with the applicant/agent

- 3.1. In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter
- 3.2. In this instance the applicant was considered acceptable as submitted but at the request of the neighbour at No. 30 the applicant was asked to amend the slope of the proposed driveway. The applicant responded by submitted amended plans which were found to be acceptable and the application was recommended for approval.
- 3.3. Should this application be considered at Planning Committee, the applicant/agent will also have the opportunity to speak at the public meeting.

4. Relevant Planning History

- 4.1. 16/06570/FUL- Erection of 1 x 3 bed detached dwellinghouse with allocated parking and private garden. Withdrawn.
- 4.2. 16/07194/FUL - Erection of 1 x 4 bed dwelling attached to 32 Queen Street with allocated parking and private garden. Refused and dismissed at appeal (see details reproduced at Appendix C and D).

5. Issues and Policy considerations

Principle and Location of Development

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development)

DSA: DM1 (Presumption in favour of sustainable development)

Wycombe District Local Plan (Regulation 19) Publication Version: DM21 (The Location of New Housing), DM35 (Placemaking and Design Quality);

Housing Intensification Supplementary Planning Document (June 2017) (HISPD)

- 5.1. The proposed appearance, location on the plot, style and setting of the dwelling are unchanged from that proposed in the application considered at the appeal. The only external change being the omission of the previously proposed side/rear two storey projecting element; this reduces the depth of the dwelling from 13.5m to 11m and the width from between 4.5m - 5.8m to a constant 4.6m. The Inspector considering the appeal raised no objection to the appearance or style of the dwelling, noting the variety of existing properties in the street. Furthermore, he considered that the size of the dwelling in relation to the size of the plot and the relationship with adjoining neighbouring properties was also acceptable in this context. Therefore the proposal is considered to be appropriate and in keeping with the existing character of the area.

Transport matters and parking

ALP: T2 (On – site parking and servicing)

CSDPD: CS20 (Transport)

Buckinghamshire Countywide Parking Guidance

- 5.2. The Buckinghamshire Countywide Parking Guidance has recently been adopted by the County and therefore is of significant weight in the decision making process. Based on the property being served by 5 habitable rooms, two parking spaces would be required; these are proposed to be provided in tandem style. The size of the parking spaces would also comply with this Guidance.
- 5.3. The Highway Authority expressed concerns in both its previous consultation responses on this site on the potential impact of displaced parking resulting from the implementation of the proposals in consideration that the dwelling would be built on land formally used as parking for No.32. Specifically, they were concerned that although the house would provide parking in accordance with local policy guidelines, the displacement of parking historically occurring off-street in this location would be difficult to accommodate on the Queen Street carriageway due to the extant waiting and parking restrictions, in addition to a plethora of private vehicular accesses.
- 5.4. Nonetheless, in determining the appeal against refusal of consent, the Inspector believed that the application site had not accommodated parking in such a time that the displacement occurring had not appeared to have resulted in a detrimental impact on highway safety and convenience of use. Thus, the Inspector did not agree that the development would be detrimental in terms of highway safety and use.
- 5.5. Whilst the Highway Authority has expressed concern that the Inspector may not have taken into account the amount and nature of on-street parking taking place on Queen Street during times of peak residential demand (i.e. late night/early morning), the Inspectorate's decision is an important material consideration and accordingly, the Highway Authority do not consider that they could defend a highway safety objection at any subsequent appeal.
- 5.6. The condition suggested by the Highway Authority is not considered reasonable or necessary, in light of the Inspector's decision, but concerns around construction are drawn to the attention of the applicant through informatives.

Raising the quality of place making and design

ALP: G3 (General design policy), HE6 (New Development in Conservation Areas), Appendix 1

CSDPD: CS17 (Environmental Assets), CS19 (Raising the quality of place shaping and design)

Wycombe District Local Plan (Regulation 19) Publication Version: CP11 (Historic Environment), DM31 (Development Affecting the Historic Environment), DM35 (Placemaking and Design Quality)

Housing Intensification Supplementary Planning Document (June 2017) (HISPD)
Amersham Hill Conservation Area Study

- 5.7. The surrounding properties are of a mixed style, scale and design including terraced cottages, detached properties and semi-detached units of varying ages. Whilst the design of the proposal is possibly not considered to be the most visually attractive the scheme is considered to be reflective of the surrounding character and appearance of the area and would not detrimentally detract from it. The separation distance from no. 30, which has been increased in this current proposal, is considered to be reflective of the street pattern (and larger than some gaps between existing properties) with the set back from the pavement also in keeping. All these points were considered by the Inspector in the recent appeal and no objection was upheld. Therefore the proposal is considered to have an acceptable impact on the character and appearance of the area, thereby preserving the character and appearance of the Conservation Area.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Wycombe District Local Plan (Regulation 19) Publication Version: DM35 (Placemaking and Design Quality)

- 5.8. Considering the amenities of neighbours, whilst it is noted that there are some side windows in the neighbouring property No. 30 and the proposed property would be at a higher level than No. 30, given that these windows are not the sole windows for the rooms (or serve non-habitable rooms) as well as the separation distance at around 3m, the development is not considered to result in loss of light to neighbours to a detrimental extent. Furthermore the scheme complies with light angle guidance to the front and rear. It is noted that a patio area serves the rear of No. 30. Considering the separation distance now being proposed at this point which has been increased from around 2m to 3m by the omission of the two storey side and rear projection and the reduced depth of the proposal against this patio (from around 4.75m to 2m), this is considered to have overcome the detrimental overbearing impact on this neighbour that led the Inspector to dismiss the appeal. The staggered design would ensure that the proposal would not have a detrimental overbearing impact on No. 32 either.
- 5.9. Considering the impact on neighbour's privacy, the scheme is not considered to impact on No. 32. Considering No. 30 whilst the front door would be on the side facing a ground floor side window, a 2m high boundary treatment is shown to be erected on this boundary which would limit overlooking, which, by the nature of a front door, is likely to be limited. Previously side facing windows, which would have served a kitchen window and a bedroom window have now been omitted, so no overlooking of this neighbour would occur.
- 5.10. Considering the amenities of future occupiers of the site, the development is considered to have an acceptable impact on residential amenities. The rear amenity space is considered to be of a sufficient size, with a reasonable amount of privacy and would be relatively flat; therefore it is considered acceptable for the development proposed.
- 5.11. In summary, the proposal is considered to have overcome the Inspector's concerns

with regards to its overbearing impact on No. 30, to provide an acceptable impact on neighbours' and future occupiers' amenity levels and would conform with planning policy. However, given the concerns raised by the Inspector it is considered appropriate in this instance to remove the property's permitted development rights to allow the Council to fully consider the impact of any future extension or out building on the amenities of the neighbours.

- 5.12. It is noted that the neighbour at No.30 has raised new concerns about the height of the proposed driveway to the new house. There appears to be no difference in the driveway proposed under the current proposal to that proposed in the last application for this site and this was not raised as an issue at that time by the neighbour, Case Officer or the appeal Inspector. However, the applicant has agreed to lower the driveway which is now shown to be set below the level of the intervening retaining wall by 0.6m at its eastern end. Given the sensitivity of this issue it is considered prudent to ask for additional level details of before and after levels on the site. This can be covered by condition. This coupled with the removal of the rear projection are considered to have overcome the concerns of the appeal Inspector with regards to the unacceptable impact on the amenities of the neighbour at No. 30.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

Living within our limits SPD

- 5.13. Policy DM18 requires new development to deliver a minimum of 15% reduction in carbon emissions on-site through the use of decentralised and renewable or low carbon sources. No details of such have been provided as part of this application nor has it been demonstrated that such a reduction is not feasible or viable on this site.
- 5.14. Policy DM18 also requires new development to be designed to a water efficiency standard of 105/litres/head/day equivalent to levels 3 or 4 for water within the Code for Sustainable Homes. Such a requirement could however be conditioned.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

- 5.15. The development is a type of development where CIL would be chargeable.

Weighting and balancing the issues

- 5.16. In weighting and balancing the planning issues the main consideration in this instance is whether or not the omission of the previously proposed two storey side and rear projection has overcome the significant harm to the amenities of No. 30 Queen Street.
- 5.17. As a result of the omission of this element the proposed dwelling is further away from the neighbour and the common boundary and does not extend so far back within the plot, thus in the opinion of officers the overbearing impact of the proposal has been overcome.
- 5.18. As part of their case at the recent appeal the applicant sighted that the benefits of developing this site and adding to the local housing stock in their view outweighed the dis-benefits of the development. The inspector dismissed this indicating that the developments small contribution to housing numbers was not outweighed by the significant harm he considered would result to neighbouring amenity and therefore considered the proposal unsustainable. By removing this significant harm and in the absence of any new material considerations or changes in site circumstances the proposal is considered to accord with relevant development plan policies and the NPPF proposing, a sustainable form of development that is recommended for approval.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any construction works on the external finishes of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.
- 3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any construction works on the finished surfacing materials takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory appearance.
- 4 Drawings of the site identifying the following shall be submitted to and approved in writing by the Local Planning Authority before any development takes place;
 - a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
 - b) The level of the road outside the site. (AOD).
 - c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified.
 - d) The location and type of any retaining structures needed to support ground level changes.
 - e) The Finished Floor Level for every building that is proposed.
 - f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.
 - g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.The development shall be carried out only in accordance with the approved details.
Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways.
- 5 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other 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.
- 6 A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. This shall include boundary treatment and landscaping to the front of the site.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 8 No further windows, doors or openings of any kind shall be inserted in the side elevations of the development hereby permitted at first floor level or above without the prior, express planning permission of the Local Planning Authority.
Reason: To safeguard the privacy of occupiers of the adjoining properties.
- 9 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).
- 10 The development hereby permitted shall be built and retained in accordance with the details contained in the planning application hereby approved and plan numbers 01, 02, 03B, 04B, 05B and 06 unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, C and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.
Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.

INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:
- offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter
- In this instance the applicant was considered acceptable as submitted but at the request of the neighbour at No. 30 the applicant was asked to amend the slope of the proposed driveway. The applicant responded by submitted amended plans which were found to be acceptable and the application was recommended for approval.
Should this application be considered at Planning Committee, the applicant/agent will also have the opportunity to speak at the public meeting.
- 2 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.