

Contact: Jenny Ion DDI No. 01494 421599
App No : 17/07081/FUL App Type : FUL
Application for : Demolition of existing dwelling and erection of a pair of 4 bed semi-detached dwellings with associated vehicular access and parking
At 32 Fennels Way, Flackwell Heath, Buckinghamshire, HP10 9BY
Date Received : 22/08/17 Applicant : Mr Richard Collins
Target date for decision: 17/10/17

1. **Summary**

- 1.1. Permission is sought for the demolition of the existing dwelling and its replacement with a pair of 4 bedroom semi-detached dwellings, together with a new access and the provision of parking space.
- 1.2. The proposed dwellings would be an attractive pair of houses whose design accords with the varied scale and appearance of dwellings along Fennels Way. The development would create an acceptable environment for future occupiers with appropriate parking and amenity space provision and would not harm the amenities of neighbouring properties or the character of the area. However the development would intensify the use of the Swains Lane junction where visibility is substandard thereby resulting in danger and inconvenience to users of the junction. The application is therefore recommended for refusal.

2. **The Application**

- 2.1. The application site is a wedge shape plot with a road frontage of approximately 19 metres which widens out to the rear and backs onto woodland. There are a number of mature trees within the site, mainly within the rear garden. The existing property is a single storey brick built bungalow under an orange profiled tile roof which has been extended to the rear. There is a detached garage to the side / rear.
- 2.2. The proposed houses would be a symmetrical pair of two storey dwellings with accommodation also provided in the roof space. They would have hipped gabled roofs with a central chimney stack and projecting gables at the front with semi-octagonal bay windows. To the rear the central projection would have a hipped roof. Each house would have a single storey element wrapping round the front and side elevations of the side wing.
- 2.3. The left hand plot would use the existing access to the site and would have driveway parking for up to 4 cars. A new access would be formed requiring the removal of a section of the front boundary hedge for the right hand plot which would also have driveway space for up to 4 cars.
- 2.4. The site is located in an established residential area and is within zone B of the Buckinghamshire Countywide Parking Guidance. The woodland to the rear is in the Green Belt and the Western Wye Valley Local Landscape Area. The trees in the woodland are protected by a woodland Tree Preservation Order.
- 2.5. Amended plans were submitted to address some of the comments made by third parties in relation to the scale of the building. The roof has been amended from a half-hipped design at the side to a full hip to reduce the bulk of the roof, and the two storey element has been set in slightly on each side, allowing the single storey side wing to be moved slightly away from the side boundaries. The single storey element has also been stepped back at the front.

- 2.6. The application is accompanied by:
- a) Design and Access Statement
 - b) Tree Survey / Report
 - c) Bat Survey Report

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 applications/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/agent was updated of any issues after the initial site visit,
 - was provided with pre-application advice,
 - the application was acceptable as submitted and no further assistance was required.
 - The application was dealt with/approved without delay.

4. Relevant Planning History

- 4.1. No planning history for alterations to the existing dwelling.
- 4.2. 17/06467/FUL - Householder application for the construction of part two storey side extension, part single storey rear extension, side dormer window and new front porch at Cordoba. Permitted, not yet implemented.
- 4.3. 15/05619/FUL – 2 storey side extension to no. 34. Permitted and implemented.

5. Issues and Policy considerations

Principle and Location of Development

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS12 (Housing provision)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

Draft New Local Plan: CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP4 (Delivering Homes), DM32 (Accessible locations, sustainable transport and parking)

- 5.1. The site is located within the residential area of Flackwell Heath and there is therefore no objection in principle to redevelopment of the site for residential purposes, provided the scheme complies with all other relevant policies in the Development Plan.

Transport matters and parking

ALP: T2 (On – site parking and servicing), T5 and T6 (Cycling),

CSDPD: CS20 (Transport and Infrastructure), CS21 (Contribution of development to community infrastructure)

Draft New Local Plan: DM32 (Accessible locations, sustainable transport and parking)

- 5.2. Fennels Way is a private road which connects to Swains Lane at its southern end. The proposals would increase the amount of traffic generated by the site. Initially the highway authority did not raise any issues in terms of the additional traffic through the junction with Swains Lane. However, in response to comments from third parties about the junction with Swains Lane the Highway Authority was asked to review its comments. Having done so it was established that this is the only exit onto the

adopted highway network and a previous scheme for residential intensification elsewhere along the road had been refused on highway safety grounds and that decision had been upheld at appeal.

- 5.3. In view of this history the Highway Authority now recommends refusal of the application on the basis that it would result in the intensification of the junction with Swains Lane at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general.
- 5.4. The applicant submitted comments from their own Highways Consultant in response, however the Highway Authority confirmed that nothing in this alters their recommendation that permission should be refused.
- 5.5. With regard to access from the plot onto Fennels Way, one plot would use the existing access point onto Fennels Way, whilst a section of hedge would be removed to create a second point of access for the other plot. The road has a speed limit of 20mph and there are traffic calming measures along the road in the form of speed bumps. The level of visibility which could be achieved from the access is considered sufficient and similar to other properties along the road. As such the proposed access arrangements between the plot and the private road are considered acceptable.
- 5.6. The site is located within Zone B of the Buckinghamshire Countywide Parking Guidance. The guidance indicates that for the size of dwellings proposed three on-site parking spaces are required for each dwelling. The plans show that parking would be provided within the front gardens of the new houses and the space available is more than sufficient to accommodate three spaces. Whilst on-site turning space would be limited this is not considered to be essential in this instance given the nature of the road.

Raising the quality of place making and design

ALP: G3 (General design policy), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1

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

DSA: DM11 (Green networks and infrastructure)

Residential Design Guidance SPD

Draft New Local Plan: CP8 (Sense of place), DM33 (Delivering green infrastructure in development), DM34 (Placemaking and design quality)

- 5.7. The site is a long plot in an established residential area, currently occupied by a single storey dwelling with a detached garage. There is a hedge along the front boundary and a number of mature trees within the plot, particularly in the rear garden. A tree survey has been submitted with the application which gives details of the individual trees, within an assessment of their quality. Also included is an Arboricultural Implications Assessment and Method Statement.
- 5.8. The application proposes the retention of the majority of trees on the site, including the more significant trees within the rear garden. These could be adequately protected during construction works. The scheme would require removal of a small number of trees at the front of the site, however these are not high quality trees and there is no objection to their removal on visual amenity grounds.
- 5.9. The method statement suggests that tree protection measures are put in place to protect trees on the side boundaries at the front of the site and to fence off the rear part of the site. Subject to the imposition of appropriately worded conditions in relation to tree protection and the method statement the Council's Arboriculturalist has raised no objections on arboricultural grounds.
- 5.10. Fennels Way is a long road along which there is a wide mix of properties in terms of both size, design, and plot size. Most are detached houses, but not exclusively so, and there is a mix of single storey, two storey and chalet style properties.

- 5.11. The current proposal is for a symmetrical pair of two storey dwellings in place of the existing single storey property. There is no objection per se to the replacement of a single storey dwelling with two storey development (other site along the street having been developed in this manner), provided that the details of what is proposed are in keeping with the general character of the area and its immediate context.
- 5.12. The site is set between no. 34 Fennels Way to the north west, which is a two storey dwelling with half-hipped gables facing the road, and Cordoba on the south east side which is a chalet style dwelling with a gable facing the road and a dormer on its south east side. The proposed pair of houses are reminiscent of late Victorian / Edwardian dwellings, articulated by projecting gables to the front and to the rear, projecting bay windows to the front, and a canopied porch across the side wings. In themselves the houses would, with the appropriate use of materials and detailing, have an attractive appearance which is in keeping with the varied styles of houses along Fennels Way.
- 5.13. In terms of scale, the houses, at 8.6 metres high, would be taller than both their immediate neighbours, by approximately 0.9 metres compared to no. 34 and 2.7 metres higher than Cordoba. The height of the houses would be similar to other two storey dwellings along Fennels Way, and the juxtaposition of dwellings of contrasting heights is not uncharacteristic of Fennels Way.
- 5.14. The bulk and mass of the dwellings would be broken up by the use of projecting wings to the front and rear, and the height steps down at the sides with a single storey element wrapping round the front and side of the houses. The amendments to the plans have increased the gap to each side boundary by 0.2 metres and the changes to the roof design have decreased its bulk and mass, improving its relationship with the neighbouring properties. Therefore, in this instance, the scale and design of the dwellings is considered acceptable in this context. The development would sit comfortably within the plot and would not appear cramped or overbearing.

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)

Residential Design Guide SPD

Draft New Local Plan: DM34 (Placemaking and design quality), DM38 (Internal space standards)

- 5.15. The proposed dwellings would create a satisfactory living environment for future occupiers in terms of natural lighting, accommodation and amenity space provision.
- 5.16. The properties most likely to be affected by the development are the immediate neighbours on either side.
- 5.17. No. 34 has recently been extended on the side closest to the application site. This extension has a side facing window serving a study / office at ground floor, which is also lit via a window in the front elevation. There is also a side window to the stair well. On the ground floor at the rear the windows are to a W.C., hallway and store. At first floor there is a second study / office which is lit by windows in both the front and rear elevation and a roof light in the hipped roof. Given that the side facing windows are all either secondary or to non-habitable space, and the rear windows are also to non-habitable rooms at ground floor, it is considered that the proposed development would not result in an undue loss of light to no. 34. An objection has been made on the ground of the loss of the view from the rear garden of no. 34, however there is no right as such in planning terms to a view.
- 5.18. Cordoba has habitable room windows in the front and rear elevations. The proposed development complies with the Council's guidelines on projection of development in relation to these windows and there would be no undue loss of light to the front or rear of the property, either in its current form or if extended in accordance with the

extant planning permission.

- 5.19. At present the property has a side facing window in the ground floor which faces towards the application site which is roughly opposite the yew tree which is to be removed. This window would be opposite the rear corner of the house, which would be single storey immediately adjacent to the boundary with the first floor set back. The separation between the window and the single storey element is approximately 2 metres, and 3.5 metres from the two storey element.
- 5.20. Taking into account the degree of separation, the fact that the window is opposite the back corner of the house where the roof would be hipping away, and the orientation, with the development being on the north west side, and the degree of enclosure resulting from existing screening in close proximity to the existing window, it is considered overall that the development, whilst it would have some impact in terms of light, outlook and enclosure, would not have so significant an adverse impact as to warrant refusing the application. If the permission for extensions to Cordoba is implemented this room is proposed to be a utility room.
- 5.21. The scheme would have accommodation at both first and second floor level with windows facing the rear garden. The windows in the roof are at high level and would not result in overlooking. In the first floor, the outer windows are to bathrooms and could be obscurely glazed. Each house would then have one bedroom window overlooking the rear garden. The relative position of the existing and proposed dwellings is such that the areas immediately to the rear of the next door properties would not be overlooked due to the angle of view. Views from these windows towards the neighbouring properties further down the gardens would in part be filtered by the existing trees on the site boundaries which are to be retained. It is therefore considered that the proposal would not result in an unacceptable degree of overlooking. The side facing first floor bathroom windows are shown to be obscurely glazed and this could be secured by condition.

Flooding and drainage

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

DSA: DM17 (Planning for flood risk management)

Draft New Local Plan: DM37 (Managing flood risk and sustainable drainage systems)

- 5.22. The site is not located in an area at risk from fluvial flooding. There is no identified surface water flood risk on the site itself although the road is at risk from surface water flooding. The development would therefore need to ensure that surface water does not drain off the site onto the road. The use of permeable surfacing for the driveway which drains to areas within the site would address this issue. The site is relatively level and therefore this issue can adequately be addressed by way of a condition.

Ecology

CSDPD: CS17 (Environmental assets)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

- 5.23. As the proposal involves the demolition of the dwelling and it backs onto woodland the application is accompanied by a bat survey, which includes an emergence survey. The existing garage was assessed as having negligible roosting potential for bats due to the nature of the structure. No evidence of bats was found within the roof void of the dwelling, and the presence of window increasing light levels reduces the suitability for bat use and the roof void was therefore assessed as having negligible potential for day roosting bats. Due to there being a small number of external features suitable for crevice dwelling bats and given the location of the building a presence / absence emergent survey was undertaken.

- 5.24. This survey showed that whilst five different species of bats were observed foraging in the area none of these emerged from the dwelling itself. The report therefore recommends that the dwelling can be demolished without further surveys or special mitigation measures for bats. However control over external lighting should be imposed to ensure the garden remains suitable as a foraging area.
- 5.25. It has been suggested that the yew tree may be being used as a bat roost. Whilst the emergence survey noted bats foraging within the site and passing over it, there is not record of bats emerging from either the building or the tree and as such this is considered unlikely. A condition could be imposed requiring a precautionary approach to demolition and removal of trees to address this concern.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

Draft New Local Plan: DM39 (Optional technical standards for Building Regulation approval)

- 5.26. Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have previously been necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this was superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is only considered necessary to condition water efficiency. A condition can address this.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth)

- 5.27. The development is a type of development where CIL would be chargeable. It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

Weighing and balancing of issues – overall assessment

- 5.28. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.29. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- (a) Provision of the development plan insofar as they are material
 - (b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - (c) Any other material considerations
- 5.30. As set out above it is considered that the proposed development would not accord with the development plan policies in relation to highway access and the benefits which would arise from the provision of an additional dwelling do not outweigh the harm which arises in relation to highway safety.

Other matters

5.31. The issue of maintenance of the private road is not a material consideration in the determination of the application.

Recommendation: Application Refused

- 1 The proposed development would result in an intensification of use of the existing Fennels Way/Swains Lane junction at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. The development is therefore contrary to Policy CS20 (Transport and Infrastructure) of the Wycombe Development Framework Core Strategy (adopted July 2008).

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, following consideration of points raised by third parties by the Highway Authority, the application was recommended for refusal. The applicant was offered the opportunity to submit additional information but this did not overcome the concerns. The applicant was also given the opportunity to amend the plans to address comments made by third parties regarding the design and scale of the dwellings.