

Contact: Stephanie Penney DDI No. 01494 421823
App No : 17/08210/FUL App Type : FUL
Application for : Demolition of existing dwelling and erection of 1 x 4 bed and 1 x 3-bed detached dwellings and 1 x detached garage
At 50 New Road Tylers Green Buckinghamshire HP10 8DL
Date Received : 24/11/17 Applicant : Mr L Howes
Target date for decision: 19/01/18

1. **Summary**

- 1.1. It is considered that the amended proposal would create a satisfactory form of development that would not be out of keeping with and detrimental to the character and appearance of the area and would not harm the amenities of adjoining occupiers.

2. **The Application**

- 2.1. This application seeks permission for the erection of a two detached dwellings following the demolition of the existing dwelling, no. 50 New Road and has been re-submitted following the previous withdrawn scheme for 2 x 4-bed detached dwellings. The current scheme differs as the Cedar tree is now being retained, the footprint and height of plot B reduced and repositioned further north.
- 2.2. The immediate area is predominantly residential with detached houses of varying styles and types fronting New Road. No. 50 New Road is a detached bungalow accessed between 48 and 52 New Road. To the southwest and northwest is further housing in Hillcroft Road and The Dell. To the northeast the application site abuts allotments and the rear the garden of the newly constructed dwelling to the rear of 48 New Road.
- 2.3. The site has a complex history and did form a larger site on which planning permission was granted in 2008 for 3 houses. In 2010 permission was granted for the erection of a detached house on a smaller area of land also forming part of the larger site. In 2012 an extension of time to implement the 2010 permission was granted and this remained extant until 20.11.2015. The application site relating to these two permissions overlapped with the current application site such that the front element of the house in the former would be within the rear part of the garden of the latter. These permissions have lapsed. In 2015 permission was granted for the erection of 2 dwellings to the rear of 48 New Road, enabling the retention of 50 New Road. However, this included land to the rear of 46 New Road and access between 48 and 46 New Road. This permission remains extant until November 2015, however could not be implemented due to the more recent dwelling permitted and completed to the rear of 48 New Road. This application has a legal agreement attached to it allowing only one dwelling to be permitted on the site. Access is to the north east of 48 New Road.
- 2.4. The case office observed at the site visit that significant excavations, apparently for foundations, have been carried out within the side garden of no. 50, to the northeast of the house itself and seemingly where the house approved under the 2010 and 2012 permissions is shown to be sited, however this application has expired. An inspection of Building Control records reveals that an application to construct a 4 bedroom detached house was received in 2013 and that building work started on 9.5.2013. The works that have been carried out would appear to constitute "commencement" as defined in Section 56 of the Town and Country Planning Act 1990 (as amended). However, the permission was subject to a number of conditions precedent, which required various details to be submitted to and approved by the

Council prior to development commencing. At least one of these, relating to existing/proposed levels, is considered to go to the heart of the permission and in the circumstances it is considered that the planning permission could not have been lawfully implemented.

2.5. From 16 October 2017 the emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version will also be material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.

2.6. Weight is of course a matter for the decision maker but the NPPF says:

Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3. Working with the applicant/agent

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

The agent was informed/ advised how the proposal did not accord with the development plan. Amendments were sought and received. An extension of time was agreed and the application progressed without delay.

4. Relevant Planning History

- 4.1. 89/05482/OUT Erection of detached dwelling at 48 New Road. Refused.
- 4.2. 05/05669/FUL Demolition of 50 New Road and erection of 1 x3 bed and 3 x 4 bed detached houses. Withdrawn.
- 4.3. 05/07438/FUL Demolition of 50 New Road and the erection of 3 x 4 bed and 1 x 3 bed detached houses including a detached garage. Withdrawn.
- 4.4. 07/05626/FUL Demolition of 50 New Road and the erection of 3 x 5 bed detached houses and garages with the creation of a new access between 46 and 48 New Road. The appeal was dismissed on the grounds that the two dwellings which would share the boundary with the properties on Hillcroft Road were too close and would be overbearing, and in the case 4 Hillcroft road, would result in overlooking and loss of privacy. The Inspector considered however, that the proposal was an appropriate form of backland development and that there would be no adverse impact upon highway safety or the character of the area.
- 4.5. 07/07981/FUL Two storey side extension with two front dormer windows to 48 New Road and creation of new access to 50 New Road. Permitted but not implemented.
- 4.6. 08/07234/FUL Erection of 2 x 4 bed and 1 x 3 bed dwellings following demolition of 50 New Road and creation of new access to 50 New Road. Permitted but not implemented.
- 4.7. 10/05541/FUL Erection of 1 x 4 bed detached dwelling and creation of a new access.

Permitted but not implemented. (This was for a revised house type on plot 2 of 08/07234)

- 4.8. 12/07231/REN Proposed extension to time limit to permission granted under ref. 10/05541/FUL for the erection of a 1 x 4 bed detached dwelling and creation of a new access. Permitted but not implemented
- 4.9. 15/06707/FUL. Erection of detached 3-bed chalet bungalow to rear, creation of new access from New Road with associated car parking & landscaping to rear of 48 New Road. Permitted with planning obligation.
- 4.10. 15/07441/FUL Erection of a 1x4-bed detached & 1x3-bed dwellings with associated landscaping, car parking & formation of a new access road created between 48 & 46 New road & closing off the existing access road to 50 New Road Rear Of 46 & 48 & Adjacent To 50 New Road. Application permitted. This application involves the erection of 2 dwellings to the rear of 48 New Road, enabling the retention of 50 New Road. Access is proposed adjacent to 48 New Road, closing off the existing access to no. 50. The access is in a similar position to that of this application. Both applications could be implemented. This would be of concern as it would mean that the access road beyond the dwelling subject of 15/06707/FUL or this application would reduce down to 3.2m (approx) to serve plot 2 and the existing dwelling no. 50 New Road which would be unacceptable and the access road would abut the side elevation subject of the application 15/06707/FUL which raise noise and disturbance issues. The Council therefore would not want both applications to be implemented. It has however been clarified that the s106 deed relates to the land edged red on the Plan attached to it. It prevents more than one dwelling or part of a dwelling being built on that land edged red. Thus you could not have a situation where a house is built on this land under either 12/07231/REN or the application which is the subject of this report and part of another dwelling is constructed on the land edged red. Even if another planning permission is granted, only ONE dwelling can be constructed on the land edged red and no other dwelling or part of a dwelling can be built on it.
- 4.11. P115/02194/ADRC. Application for the approval of details subject to conditions 2 (materials), 3 (surfacing materials) and 4 (landscaping) of planning approval 15/06707/FUL. Details approved
- 4.12. 16/05698/FUL. Householder application for construction of two storey side extension with integral garage. Application withdrawn
- 4.13. 16/05730/FUL. Erection of detached 3-bed detached dwelling to rear, creation of new access from New Road with associated car parking & landscaping (alternative scheme to PP/15/06707/FUL). Application permitted with a S106 Agreement to allow only one house to be built on the site.
- 4.14. 16/06910/FUL. Householder application for construction of part two storey, part single side extension with integral garage (48 New Road). Application permitted.
- 4.15. 16/07471/FUL. Householder application for construction of part two storey, part single storey side / rear extension following demolition of existing garage (48 New Road). Application permitted.
- 4.16. 17/06246/FUL. Demolition of existing dwelling and erection of 2 x 4 bed detached dwellings and 1 x detached garage. Application withdrawn.
- 4.17. 17/08011/FUL. Erection of 1 x 2 bed single storey dwelling house with associated parking at land to the rear of 62 New Road. Application permitted

5. Issues and Policy considerations

Principle and Location

Adopted Local Plan (ALP): G8 (Detailed Design Guidance and Local Amenity)

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

DSA: DM1 (Presumption in favour of sustainable development),

Housing Intensification Supplementary Planning Document (HISPD)

Emerging Local Plan (Regulation 19) Publication Version: CP1 (Sustainable Development) Policies, CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)

- 5.1. The site is located in an existing residential area, where, subject to compliance with all other relevant planning policies, the principle of residential development is generally acceptable. In this regard, any new development must accord with adopted Development Plan policies which seek to ensure a high standard of design and layout which respects and preserves the local urban context and is compatible with the immediate surroundings of the site in terms of proportion, scale, bulk, form and massing.
- 5.2. The proposal is similar to a recent scheme permitted to the rear of 62 New Road.

Impact upon the character and appearance of the street scene, surrounding area.

Adopted Local Plan (ALP): G3 (General Design Policy), G8 (Detailed Design Guidance and Local Amenity), G10, (landscaping) G11 (Trees and Hedgerows)

Core Strategy Development Planning Document (CSDPD): CS19

Housing Intensification SPD

Emerging Local Plan (Regulation 19) Publication Version: CP9 (Sense of Place), DM 34 (Placemaking and Design Quality)

- 5.3. Policy G3 of the Adopted Local Plan states that the District Council will expect development proposals to achieve a high standard of design and layout that reflects the local urban or rural context so as to maintain and reinforce its distinctiveness and particular character and where appropriate. Submitted proposals will need visibly to demonstrate that they: (c) are compatible with the immediate surroundings of the site and appropriate to its wider context by reference to street pattern and land levels, plot sizes, means of enclosure, portion, scale, bulk form and massing. Policy G3 goes on to state that planning permission may be refused if a sufficiently high standard of design and layout is not achieved, having regard to the nature of the application site and its surroundings.
- 5.4. The proposal seeks the demolition of the existing bungalow at no. 50 New Road and erection of two dwellings. Plot A measures 8.4m to the ridge and is sited to the south east of 12 The Dell. Access to this plot is via The Dell. Plot B measures 6.5m to the ridge and is sited to the rear of the dwellings on Hillcroft Road. Access is via the existing access between 48 and 50 New Road.
- 5.5. In terms of the previous permissions on the site, the permission was for three dwellings on a larger site. The layout was comprehensive and did relate well to adjacent occupiers.
- 5.6. Plot A is considered acceptable. The siting is in keeping with the existing properties on the Dell and the height has been reduced by 1.4m thus reducing the massing.
- 5.7. Concerns were raised regarding plot B in relation to the cramped appearance and layout and the impact to the occupiers of the new dwelling to the rear of 48 New Road. The scheme as submitted was 7.3m to the ridge, but then amended reducing the height and form. The amended dwelling still provides accommodation on two floors but the height to the ridge is 6.5m with an eaves height of 2.6 adjacent to the boundary with the newly constructed dwelling.

- 5.8. Plot B is 9.5m from the new dwelling at its closest point, it is set back from the adjacent dwelling and it now considered that the amended form and height will not have a detrimental impact on the outlook from the occupiers of the newly constructed dwelling. The rear elevation of the dwelling faces North West, accordingly subject to no additional windows on the site elevation, and the proposed landing window being obscurely glazed, overlooking would not occur.
- 5.9. The proposal will result in the loss of a category B tree and two Category C trees. However, no objection is raised as mitigation is proposed in the form of four replacement trees.

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)

Housing intensification SPD

Emerging Local Plan (Regulation 19) Publication Version: DM 34 (Placemaking and Design Quality)

- 5.10. The application site is not level and is higher than the dwellings on the Dell, but lower than the properties on Hillcroft Road.
- 5.11. Plot A is not considered to have detrimental impact on the occupiers of 12 The Dell. No first floor side windows are proposed facing this property and the dwelling does not protrude the front or rear elevation. A separation distance of 3m between the dwellings are proposed. Accordingly subject to levels, the dwelling should have minimal impact. Plot A (side elevation) is a minimum of 20m from the rear of the new dwelling and only a first floor side window is proposed to a bathroom which can be obscurely glazed. There is a window to window distance of 25m from the properties on Hillcroft Road which is considered acceptable.
- 5.12. Plot B protrudes 17m back from the rear of the new dwelling (48a). This dwelling has habitable windows on the rear elevation, nearest the shared boundary, to a sitting room, living area on the ground floor and bedroom on the first floor.
- 5.13. It is considered that the revised form and height will not have a detrimental impact the outlook of existing occupiers due to the form and massing of the proposal.
- 5.14. The proposal is sited approximately 14m from the dwellings on Hillcroft Road. The reduced height in association with the lower levels on the application site will not result in a detrimental impact on the outlook of existing occupiers on Hillcroft Road. In addition, consideration must be made to the existing relationship between the existing dwelling (50 New Road) and properties on Hillcroft Road.
- 5.15. The relationship between plot A and B is considered acceptable.

Carbon Reduction and Water Efficiency

Adopted Delivery and Site Allocations Plan (DPD): DM18 (Carbon Reduction and Water Efficiency)

DSA: DM18 (Carbon Reduction and Water Efficiency)

Draft New Wycombe District Local Plan

- 5.16. 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 normally been considered 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 will be superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is considered necessary to condition the water efficiency.
- 5.17. The principle assessment of this application falls under policy DM18 of the Adopted

Delivery and Site Allocations Plan July 2013. This plan will remain and 'sit alongside' the new Local Plan. Accordingly policy DM18 will still apply.

Infrastructure and Developer Contributions

Adopted Local Plan (ALP): G19, G23;

Core Strategy Development Planning Document (CSDPD): CS20, CS21;

Developer Contribution Supplementary Planning Document (DCSPD)

Emerging Local Plan (Regulation 19) Publication Version: CP7 (Delivering the Infrastructure to support Growth)

5.18. The site is located within CIL charging zone B and the development is CIL liable.

Transport matters and parking

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

CSDPD: CS16 (Transport

DSA: DM2 (Transport requirements of development sites)

Buckinghamshire Countywide Parking Guidance

5.16 The proposed dwellings each require three on-site parking spaces per unit, which have been provided. Access to plot A is considered acceptable. Access to plot B is via the existing access serving number 50. As the use of this access is not being intensified, no objection is raised.

Weighing and balancing of issues – overall assessment

5.18. 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.

5.19. 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

5.20. As set out above it is considered that the proposed development would accord with the development plan policies in relation to character of the area, impact on trees, amenity space and highway access.

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 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers WDC1; 1187/10/B; 1187/11; 1187/12/B; 1187/13/B; 1187/14; 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.

- 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 finished surfacing works are undertaken. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory appearance.
- 4 The scheme for parking 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.
- 5 No further windows shall be inserted in the dwellings hereby permitted without the prior, express planning permission of the Local Planning Authority.
Reason: In the interests of the amenity of neighbouring properties.
- 6 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).
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class B of Part 2 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 protected trees
- 8 No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 9 The development is to be undertaken in accordance with the approved Arboricultural Impact Assessment and Arboricultural Method Statement (AMS) or any revision agreed by the council and Tree Protection Plan (TPP), indicating trees to be retained and those to be removed; the positions of physical tree protective fencing and ground protection zones; and in addition to the those details to include the sequencing of works and; a scheme of supervision by a pre-appointed tree specialist in accordance with appendix 8 and 9 as per Trever Heaps report TH/1494 dated 2/10/2017. The tree protection works shall be carried out in accordance with the approved details unless otherwise agreed in writing.
This tree condition may only be discharged on completion of the development subject to contemporaneous evidence of monitoring and supervision of the tree protection during the development by the appointed tree specialist.
Reason: To ensure that the trees to be retained are not damaged, in the interests of visual amenity.
- 10 Prior to commencement of development, details of the design and materials for the construction of a no dig system, to be fit for purpose to support vehicle movement while protecting the below ground rooting environment shall be submitted to an approved in writing with the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

Reason: A pre-commencement condition is considered necessary to ensure that the vehicles movements do not impact on tree roots.

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 CharterThe agent was informed/ advised how the proposal did not accord with the development plan. Amendments were sought and received. An extension of time was agreed and the application progressed without delay.
- 2 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.
- 3 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.
- 4 The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire
Handy Cross Depot
Marlow Hill,
High Wycombe
Buckinghamshire
HP11 1TJ.
Tel: 0845 230 2882