



Report to Wycombe Area Planning Committee

Application Number:	18/06915/FUL
Proposal:	Erection of 2 x 3 bed detached dwellings to the rear of Rosalie with associated parking and creation of 2 x parking spaces for Rosalie
Site Location:	Rosalie Kingsmead Road Loudwater Buckinghamshire HP11 1JL
Applicant:	Mr Graham Oliver
Case Officer:	Ray Martin
Ward(s) affected:	Previous Tylers Green And Loudwater Ward
Parish-Town Council:	Chepping Wycombe Parish Council
Date valid application received:	14th August 2018
Statutory determination date:	9th October 2018
Recommendation	Application Permitted

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The proposed development for two new dwellings to the rear of Rosalie is considered acceptable in principle. The design and siting of the dwellings is considered to respect the character and appearance of the area and would not harm highway safety, the amenities of neighbours, or any other planning considerations of acknowledged importance.
- 1.2 The scheme has addressed the reasons given for previous attempts to develop the site being dismissed at appeal.
- 1.3 The application is before Committee because the local Member, Councillor Wood has indicated that there are many local concerns that this would be an overdevelopment of this site and the entrance is too narrow to support 2 properties especially with the bus stop located at this entrance and concerns for emergency vehicle access. In view of this she requested that if officers are minded to approve this application then, it be brought before the planning committee for a full
- 1.4 The application is recommended for approval.

2.0 Description of Proposed Development

- 2.1 This application seeks permission for the construction of two detached houses on land to the rear of Rosalie, with access to these taken from Kingsmead Road on a new driveway between Rosalie and Grafton.
- 2.2 The existing dwelling would be served by two parking spaces in its front garden accessed from the new driveway, while each of the new dwellings would be served by two parking spaces in front of each dwelling, but offset, so as not to be visible at the end of the driveway from Kingsmead Road.
- 2.3 The new dwellings would each be 6.9 metres wide; 10 metres deep at two storey level, with an additional single storey element projecting about one metre to the rear of this; 5, metres to the eaves and 8.1 metres to the ridge, with a front and rear facing gable ended roof.
- 2.4 The dwellings are set some 35 metres to the rear of Rosalie and are approximately in line with the existing dwellings in Woodside Close to the rear of Grafton and its neighbour to the north. The dwellings are sited with a gap of 2 metres to outer flank boundary of the site and with 2.5 metres between them. Each has a rear garden of about 10 to 11 metres in width and to a depth of between 9 and 11.5 metres.
- 2.5 The application is accompanied by:
 - Design and Access Statement
 - Ecology Wildlife Checklist
 - Drainage Statement
- 2.6 Amended plans were submitted to alter the layout of the dwellings to address officer concerns and additional information was submitted in respect of drainage, further to the comments made by the Lead Local Flood Authority.

3.0 Relevant Planning History

- 3.1 10/07484/FUL - Demolition of existing dwellings and erection of 4 x 4 bed dwellings, 2 x 3 bed semi-detached dwellings and 2 x 2 bed semi-detached dwellings with associated parking and access. A non-determination appeal was submitted and subsequently dismissed as the Inspector concluded that:
 - the layout was unsympathetic to the lower development to each side and the prevailing character of the street scene with an extensive area of hard surfacing being unsympathetic to the setting to the houses;
 - the site would be over-dominated by built development and out of keeping with the grain of its surroundings and consequently would not achieve a high standard of design;
 - the additional vehicle movements would be unacceptably detrimental to the existing residential conditions of the neighbouring dwellings by reason of vehicle noise and headlights;
 - due to the unacceptably cramped layout, the development would fail to provide adequate turning space at the top of the site for public service vehicles and residential services;
 - the development would cause an unacceptable loss of privacy to the

neighbouring dwellings;

- the layout would result in a development that would be unacceptably detrimental to vehicular safety within the site, and potentially hazardous to other users of the highway.

3.2 11/07852/FUL - Demolition of Rosalie and erection of 1 x 3-bed bungalow & a terrace of 5 x 4-bed dwellings to the rear (three with integral garages) with associated parking and creation of new access from Kingsmead Road via Magnolia. Application withdrawn due to concern regarding the creation of a terrace to the rear and the impact this would have on the character and appearance of the area.

3.3 12/05892/FUL - Demolition of Rosalie and erection of 1 x 3-bed bungalow & a row of 5 dwellings to the rear (2 x 3 bed and 3 x 4 bed) with associated parking and creation of new access from Kingsmead Road. Application refused and subsequently dismissed as the Inspector concluded that:

- The proposed row of two storey houses, the line of pergolas which would sit in front to accommodate some of the parking, together with the access road, turning space and other hardsurfaced areas, would result in a greater site coverage than is characteristic in the locality. The row of houses at the rear, would have limited space between them and together with the overall site coverage would be a tighter, more compact development that would have a significantly more urban feel than the frontage development of bungalows and dormer bungalows and the two storey houses on either side. This would be the case, even though there would be more space where the proposed row would meet the boundaries of properties in Bay Tree Close and Woodside Close and that the proposed row would sit in front of dwellings in Woodside Close. Whilst I have noted the careful use of hipped and gabled roof forms, which would provide a visual gap at roof level, this would not overcome the significant harm identified due to the amount of development at the rear of the appeal site, its bulk and mass and tight layout. All in all, even though the proposed density may accord with that in the vicinity of the appeal site, the proposal would fail to achieve a high standard of design and layout which would sit comfortably in this locality.
- Moreover, the appeal site would be dominated by buildings and hardsurfacing with limited green space in front of the proposed row of houses. This would seriously erode the spacious and green character and appearance of the locality. Even though the amount of hardsurfacing in front of the proposed bungalow would be less than exists at present, and the rear gardens to the proposed two storey dwellings would be similar to those of properties in Woodside Close and Bay Tree Close, these would not be readily seen from the street. These matters, therefore, do not overcome my concern in this respect.
- When viewed from Kingsmead Road, despite the proposed planting, due to its elevated position, the proposed development at the rear of the appeal site, the areas of hardsurfacing and the access road would appear incongruous and would dominate views from the street. The height of the proposed row of properties to the rear would be generally higher than adjacent development at Bay Tree Close. In addition, even though the height of the proposed dwellings would be generally similar to properties in Woodside Close, the unit nearest to

Woodside Close with its gabled roof form would have a greater apparent mass and bulk, when viewed from the street. This adds to my concern regarding the dominating impact of the proposal on the Kingsmead Road street scene.

4.0 Policy Considerations and Evaluation

Principle and Location of Development

ALP: CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development)

- 4.1 The application site is located in an existing built-up area along Kingsmead Road where there are a variety of residential properties fronting the road and in backland form to the west of Kingsmead Road.
- 4.2 In view of the above and subject to compliance with all relevant planning policies, the proposed development is acceptable in principle.

Affordable Housing and Housing Mix

ALP: DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)

Planning Obligations Supplementary Planning Document (POSPD)

- 4.3 The application site located within Loudwater, wherein the proposal for two dwellings, is below the threshold for requiring affordable housing.

Transport matters and parking

ALP: CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 4.4 Kingsmead Road is an unclassified, but busy road running parallel to and south west of the A40 London Road. It is primarily a residential street but also serves schools and other commercial premises and a large recreation ground. There are numerous side accesses serving backland residential development along the road.
- 4.5 In this instance it is proposed to create an access between two existing properties leading uphill to two new dwellings at the rear of the row of properties fronting Kingsmead Road. The access would be about 45 metres from the entrance in to Woodside Close to the north west and just over 100 metres from the entrance into Bay Tree Close to the south east.
- 4.6 The Highway Authority is satisfied that the access drive is of a suitable width and configuration to ensure safe passage of traffic movements to and from the site and on to the main road.
- 4.7 Each dwelling is of a size requiring two on-site parking spaces in this location and these are provided on the forecourt of the properties. Each space is accessible and suitable turning space is provided to ensure that vehicles can turn and leave the site in forward gear.

4.8 As such, it is considered that the proposed development is acceptable in terms of highway safety and parking requirements.

Raising the quality of place making and design

ALP: CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure)

Housing intensification SPD

4.9 Previous proposals for backland development in this location have been refused and dismissed at appeal. They were for larger sites and larger buildings, but in order for the current development to be considered acceptable, the proposal would need to overcome the reasons for those schemes having been refused planning permission and dismissed at appeal.

4.10 Backland development can damage the character and appearance of an area and as such will not always be acceptable. In this case there are many similar backland plots along Kingsmead Road including those adjacent in Woodside Close to the north west and just one plot away in Bay Tree Close to the south east. As such, it would be difficult to sustain an in principle objection to backland development. Previous proposals were not found unacceptable in principle.

4.11 The proposed dwellings are of a scale and appearance which is comparable to the development on higher ground behind the frontage properties in Kingsmead Road as seen in both Woodside Close and Bay Tree Close. They would be partially cut into the ground towards their rear elevation, rather than built up at the front, thereby minimising their height as seen from the public realm. The height would be similar to that of the neighbouring property in Woodside close and this could be ensured by a levels condition.

4.12 In addition, the properties are proportionate in width, wherein they would not represent an incongruous feature and have adequate space on their flanks, so as not to appear unduly cramped. In essence they sit comfortably on the plots created which are comparable in width to nearby development and thus, would respect the grain of development in this locality. The dwellings would be slightly further forward than the neighbouring properties in Woodside Close, but not significantly and this reflects the current stagger of that row of dwellings at the rear of Kingsmead Road, made necessary by the shortening of the plot depths when travelling further south east.

4.13 The forecourt to the dwellings provides parking interspersed with landscaping to ensure that the sites are not unduly dominated by hardsurfacing and the perception of this is helped by the configuration of the parking, which is offset from the line of the access drive, wherein views up that access will be of landscaping to the front of one of the dwellings, rather than of hardsurfacing.

4.14 The combination of the above design elements in this scheme is considered to overcome the reasons why previous proposals were dismissed at appeal. The current proposal has reduced the bulk and scale of the buildings means that the proposal would not appear cramped and over dominant and the view from the street is no longer dominated by hard surfacing.

4.15 The development proposed respects the character and appearance of the locality and would be successfully assimilated in to views of the street.

Amenity of existing and future residents

ALP: DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

4.16 Each of the proposed dwellings would be provided with rooms that are adequate to offer an appropriate level of amenity. Each has a garden of an appropriate size to serve the accommodation proposed and provides adequate space for cycle and bin storage.

4.17 To the north west the development adjoins the flank wall of a property in Woodside Close containing no principal windows. The proposed dwelling closest to this does project forward of this neighbour, but not to an extent wherein it would breach the Council's light angle guidance. Moreover, the upper floor of the side of the proposed property facing this neighbour contains only a shower room window, which can be obscurely glazed to prevent overlooking. As such, the proposal is not considered to have any significant adverse impact on the occupiers of this neighbouring property.

4.18 The outer flank of the dwelling on the southerly plot is similarly designed with just a shower room window at first floor level. This can be conditioned to be obscure glazed to prevent overlooking of the neighbour. The property is some distance behind the Kingsmead Road frontage and over 30 metres from the properties in Bay Tree Close and as such, would not be overbearing in appearance, or lead to any significant loss of light to these neighbours. Their residential amenity is therefore, safeguarded.

4.19 There are some minor windows in the side elevations where the two properties face each other, but none that will cause a significant loss of amenity. The proposed dwellings are aligned front and back and as such, will not harm the residential amenities of each other.

4.20 The proposed drive does pass relatively close to Grafton and Rosalie, the properties on the Kingsmead road frontage. However, the scale of development, providing just two new houses, is such that the use of the access would not cause significant disturbance to these neighbours.

Flooding and drainage

ALP: DM39 (Managing Flood Risk and Sustainable Drainage Systems)

4.21 The site is not in a location susceptible to fluvial flooding.

4.22 It is nevertheless necessary to ensure that the development is able to deal with surface water and in this context a drainage plan was submitted with the application. Initially the Lead Local Flood Authority objected to this, considering that it had not been satisfactorily demonstrated that the proposal would not cause surface water flooding issues.

4.23 Further information was submitted and the LLFA has withdrawn its initial objection. Thus, subject to an appropriate condition, drainage requirements have been met.

Ecology

ALP: DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM11 (Green networks and infrastructure), DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

4.24 The site has not particular merit in terms of ecology. It adjoins a belt of trees at the back which are to be retained, but otherwise is a residential garden exhibiting no features of specific interest.

4.25 The proposed development includes landscaping plans that will help ecological interest as well as softening the appearance of the development.

Building sustainability

ALP: DM41 (Optional Technical Standards for Building Regulations Approval)

4.26 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.

Infrastructure and Developer Contributions

ALP: CP7 (Delivering the infrastructure to support growth)

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

5.0 Weighing and balancing of issues / Overall Assessment

5.1 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.

5.2 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

5.3 As set out above it is considered that the proposed development would accord with development plan policies.

6.0 Working with the applicant / agent

6.1 In accordance with paragraph 38 of the NPPF2 Buckinghamshire Council (BC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. BC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate

updating applications/agents of any issues that may arise in the processing of their application.

- 6.2 In this instance the applicant/agent was updated of any issues after the initial site visit. The applicant was provided the opportunity to submit amendments to the scheme/address issues. Amended plans and additional information in respect of drainage were received and this was found to be acceptable. The application was subsequently recommended for approval.

7.0 Recommendation

7.1 Application Permitted

Subject to the following conditions and informatives:-

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, GR/001/18 Rev A, GR/002/18 and GR/003/18; 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 the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish 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.
4. 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 work to the finished surfaces 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 appearance.
5. Drawings of the site identifying the following shall be submitted to and approved in writing by the Local Planning Authority before any development on the foundations of the houses takes place;
 - i. Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
 - ii. The level of the road outside the site. (AOD).
 - iii. The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).

- iv. The location and type of any retaining structures needed to support ground level changes.
- v. The Finished Floor Level for every building that is proposed.
- vi. 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.
- vii. 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.

6. 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.

7. No other part of the development shall be occupied until the new means of access and relocated speed cushion have been sited and laid out in accordance with the approved drawing, with the access constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2001.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

8. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Drainage layout detailing the connectivity between the dwellings and the drainage components, showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS components.
- This drawing should include flow direction for exceedance routes
- Demonstration of a 5m buffer distance between the two soakaways
- Further detail on how surface water runoff generated by the proposed "parking spaces for Rosalie" will be managed,
- Updated calculations to set the "infiltration coefficient base" to 0.00m/hr,
- Construction details of all SuDS components,
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance,

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

9. A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place.

The scheme shall include provision for suitable planting at the forecourt of the properties around the approved parking spaces, together with the means of enclosures to adjoining sites and between the rear gardens of the approved dwellings. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

10. 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.

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 to 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, given the limited plot sizes and nature of surrounding development and the potential need for additional parking for enlarged accommodation.

12. Notwithstanding any other details shown on the plans hereby approved, the shower room windows and any other glazing to be inserted at first floor level or above in the south east elevation of the dwelling on Plot 1 and/or the north west elevation of the dwelling on Plot 2; shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties.

13. 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 DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.

INFORMATIVES

- 1 In accordance with paragraph 38 of the NPPF2 Buckinghamshire Council (BC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. BC work with the applicants/agents in a

positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance the applicant/agent was updated of any issues after the initial site visit. The applicant was provided the opportunity to submit amendments to the scheme/address issues. Amended plans and additional information in respect of drainage were received and this was found to be acceptable. The application was subsequently recommended for approval.

- 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 The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement 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 minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Development Management (Works Co-ordination & Inspection)
Buckinghamshire Council
6th Floor, County Hall
Walton Street,
Aylesbury
Buckinghamshire HP20 1UY
- 4 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.
- 5 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.