

PLANNING COMMITTEE – 15 SEPTEMBER 2015

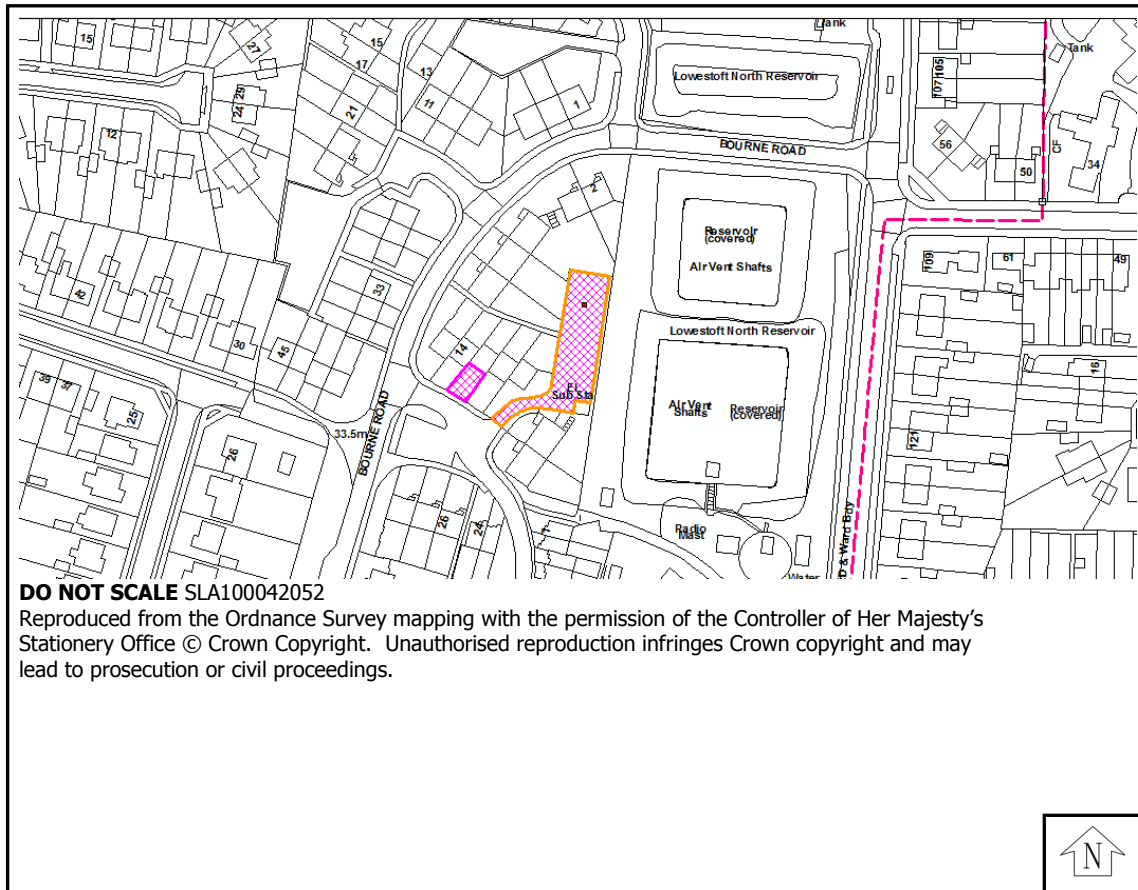
APPLICATION NO DC/15/2343/FUL

LOCATION

Land Adjacent
20 Bourne Road
Lowestoft
Suffolk

EXPIRY DATE 17th September 2015
APPLICATION TYPE Full Application
APPLICANT Orwell Housing Association

PROPOSAL Construction of 2 No. semi detached houses and associated works including car parking.



SUMMARY

- 1.1 This application proposes two affordable dwellings on a site which is currently a parking area on a housing development. The application comes to Committee because the Council owns the site.
- 1.2 The use of obscure glazing within the windows serving the front bedrooms of each of the properties proposed would result in a sub-standard form of development which fails to protect the amenity of future occupiers of the proposed development in terms of outlook.

Consequently, as the proposal fails to ensure the provision of good quality living accommodation it is recommended for refusal.

SITE DESCRIPTION

- 2.1 Bourne Road is a cul-de-sac off Hollingsworth Road. The rectangular shaped application site is currently used as a communal parking area and accessed via a short single width access road which enters the land from the south and runs adjacent to the south-eastern boundary of No. 20 Bourne Road.
- 2.2 To the east of the site are two covered reservoirs (known as Lowestoft North Reservoir). Screening on the eastern boundary of the reservoir is formed by a belt of lime trees and a beech hedge (both outside of the control of the applicant).
- 2.3 Adjacent to the southeast corner of the site is an electricity substation, enclosed by timber fencing.
- 2.4 The surrounding two storey dwellings adjacent to the site comprise a number of short terraces which include:
 - five houses to the west (no's 12 to 20)
 - six flats to the northwest (no's 6 to 10)
 - four flats to the north (no's 2 to 4)
 - four flats to the south (no's 22 to 24)

PROPOSAL

- 3.1 The proposal is to construct two affordable houses at the northern end of the site and to provide eight parking spaces between the proposed dwellings and the existing electricity substation. Two spaces are proposed for each dwelling, along with a further four visitor spaces.
- 3.2 A hardstanding area to provide further parking is proposed within the front garden of No.16 Bourne Road for the use of its owner / occupier. (The applicant has come to a separate agreement with the owners of this property to relinquish their existing rights over parts of the application site and undertake the laying out of a new parking area in the front garden at its own cost).
- 3.3 The proposed houses would each have two bedrooms. Materials would be red bricks and dark red pantiles.
- 3.4 The application is supported by a Design and Access Statement, contaminated land study, tree report, car park survey and sustainability statement.
- 3.5 The site area is 612 square metres, resulting in a density of 32.6 dwellings per hectare.

CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** five letters of objection have been received, from the residents / owners of No's 8a, 14, 18, 20 and 24 Bourne Road making the following points:
 - Proposal will intrude upon privacy at rear of No.18 and overlook rear garden, bedroom and bathroom.
 - No.20 will be overlooked with overlooking into bedroom, bathroom, kitchen and kitchen diner and a resulting in a loss of privacy.
 - The development will result in a lack of privacy in back garden of No. 20.

- General loss of privacy to residents.
- The houses will deny full light to the rear of the properties.
- Damage will occur to the trees and tree roots.
- Wildlife habitats will be disturbed.
- Parking spaces on the site and elsewhere should be made available for use by other local residents.
- Lack of parking space will be problematic at weekends.
- There will be an increase in traffic for the area.
- No road markings exist at road junctions in cul-de-sac making it unsafe for further traffic.
- The proposals will result in an increase in anti-social behaviour.
- Loss of view
- Noise concerns

Consultees

- 4.2 **Waveney Norse - Property and Facilities** were consulted on the 1 July 2015.
- 4.3 **Suffolk County Council – Highways Department:** The County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- 4.4 Condition 1: The new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM02; and with an entrance width of 3 metres and been made available for use. Thereafter the access shall be retained in the specified form.
- Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.
- 4.5 Note to LPA: The access into the site is 3.5m wide where it should be 4.5m. However, it is existing and doesn't appear to cause any issues in the area.
- 4.6 **Anglian Water:** In general Anglian Water respond to 'major ' planning applications; that is 10 or more dwellings. As this is for two dwellings we do not intend to respond unless you advise there are specific issues or concerns relevant to Anglian Water.
- 4.7 **Essex and Suffolk Water PLC:** We have no objection to the development of 2no. semi-detached houses subject to compliance with our requirements. Consent is given to this development on the condition that a metered water connection is made onto our Company network for each new dwelling for revenue purposes. Our existing apparatus is not affected by the proposed development.
- 4.8 **WDC Environmental Health – Contaminated Land:** The report advises that the site should be inspected again by a competent person during site clearance and that a minimum of 300mm of clean topsoil should be imported. As such site investigation has yet to be completed and remediation and validation is also required. These works should be secured using the model conditions (1-4).
- 4.9 **WDC Tree & Landscape Officer:** This site is currently a parking area. With a Beech hedge along the car park edge & pollarded Lime trees on land behind. Submitted with this application is a Tree Report by Farmland Forestry, the findings of which I agree with. The row of pollarded Lime trees provides a screen and softening aspect to this site but they are not significant trees, meaning they shouldn't unduly worry new occupants. The Beech hedge has also been managed and maintained and again has a softening and greening aspect for the site. I am pleased that the hedge & trees are remaining. Whilst these trees should not be adversely affected by this proposal, if minded to approve care should be

taken to route any services outside the trees' root protection area (RPA). No objection to this proposal on tree grounds.

- 4.10 **Suffolk County Council – Rights of Way:** Public Footpath 18 is recorded adjacent to the proposed development area. We have no objection to the proposed works.

PUBLICITY

- 4.11 None

SITE NOTICES

- 4.12 The following site notices have been displayed:

General Site Notice	Reason for site notice: New Dwelling, Date posted 02.07.2015 Expiry date 22.07.2015
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PLANNING POLICY

- 5.1 The **Waveney Core Strategy** was adopted in January 2009. Relevant policies include **CS01**, which sets the spatial strategy for the District, **CS02** which requires high quality and sustainable design and **CS11** which deals with housing.
- 5.2 The **Development Management** policies were adopted in January 2011. Relevant policies include **DM01** which defines the physical limits of settlements, **DM02** which sets design principles for new development and **DM16** which considers housing density.

PLANNING CONSIDERATIONS

- 6.1 Principle of Development. Core Strategy Policy CS01 sets out the spatial vision for the district. Lowestoft is identified as the main town and will accommodate approximately 80% of the housing growth for the District. The site is within the "physical limits" identified for Lowestoft under Development Management Policy DM01, where new development will be accommodated.
- 6.2 Policy CS01 also sets out that the focus for development will be on previously developed land within built-up areas, with more than 50% of housing expected to be delivered on brownfield sites. In the National Planning Policy Framework (NPPF) previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land. The site as such, meets the definition of 'previously' developed land, which the policy states should be the focus of development.
- 6.3 In order to achieve a good quality environment in which to live, regeneration is considered to be a key objective at all levels of planning policy. The NPPF actively seeks to bring vacant and underused previously developed land back into productive use and to promote urban regeneration whilst helping to militate against declining environmental quality. The applicant considers the site to meet this definition and considers that the proposed development will contribute towards achieving these goals.
- 6.4 In accordance with policy CS11 the sequential approach to proposals for development should be taken, with previously developed land within physical limits of settlements being the first choice. As such, it is considered that this proposed development is broadly compliant with policies CS01 and CS11 of the Core Strategy and DM01 of the Development Management Policies.
- 6.5 The site is relatively close of a full range of facilities including shops, school, surgery, public transport and other community facilities. There are therefore some wider economic and social benefits to the use of this site for housing.

- 6.6 The applicant has stated that this development is much needed and has cited the 'Indicators of Need and Demand for Affordable Housing in Lowestoft, Carlton Colville and Kessingland Report – April 2013'.
- 6.7 This report confirms there to be a high demand for smaller affordable properties in the Lowestoft Area, as reflected by the needs identified and that there is a considerable mismatch between the size of properties needed (predominantly one and two bedroom) and the housing stock available (48% having 3 or more bedrooms). It concludes that existing social housing stock cannot meet the area's need for 1 and 2 bedroom properties. The proposal would meet the defined need of the area in this respect.
- 6.8 However there are other, more detailed issues to consider, the first being the density of the development proposed. This is a site for two dwellings and additional parking provision. The proposed density is just over 32.6 dwellings per hectare. Policy DM16 indicates that the Council will aim to make the most efficient use of land, and that whilst a minimum density of 30 dwellings per hectare will be sought across the district, higher densities will be sought in the most accessible locations such as the central areas of Lowestoft, with a minimum density of 50 dwellings per hectare.
- 6.9 The proposal fails by some margin to meet the minimum density of development sought for Lowestoft. The provision of two parking spaces for each dwelling and four 'visitor' spaces results in a much lower density of development. However, it must be acknowledged that the site is constrained by close proximity of neighbouring properties and the potential impacts upon the amenities of the surrounding residential occupiers from development. Given the location of the site and its limited capability for alternative site layouts, it is accepted that the constrained nature of the site cannot be resolved and that a lower density of development has to be accepted as a consequence. The density of the scheme is broadly compatible with the surrounding estate and there is no objection to the proposal on the grounds that it is of lower density than the policy prescribes.
- 6.10 The second issue to consider is that the development involves the loss of an existing parking area. In relation to this issue the submitted car park survey provides details of 6 visits made by the agent to the site between 20th May and 2nd July 2014. The results were:
- 20 May (6.11 am) – 5 cars and 1 van in car park.
 - 21 May (6.31 am) – 4 cars and 1 van in car park.
 - 29 May (6.11 am) – 4 cars and 1 van in car park.
 - 2 July (7.14 pm) – 2 cars in the car park.
 - 3 July (7.17 pm) – 3 cars and 1 van in the car park.
 - 7 July (7.09 pm) – 4 cars in the car park.
- 6.11 These figures show an average of just over 4 vehicles parked on the parking area on each visit.
- 6.12 The car park isn't formally laid out but is capable of accommodating approximately 12 vehicles. The level of parking identified within the survey was consistently below full capacity.
- 6.13 The survey confirms there to be 27 existing dwellings in the immediate vicinity of the site, including 20 flats and that the existing parking provision consists of the following:
- 12 spaces (approximately) within car park.
 - 5 spaces adjacent to no's 26-30.
 - 3 spaces adjacent to no. 24 Steeple View)
 - 4 off street spaces (serving dwellings)
 - Unrestricted on street parking

- 14/15 space car park to the west of Bourne Road (surveyed use confirmed one third capacity of full capacity).
- 6.14 Suffolk County Council – Highways Department have raised no concerns in respect of the future adequacy of parking provision and therefore given the availability of parking provision in the area it is concluded that the loss of the 12 car parking spaces will not unduly exacerbate parking pressure in the area.
- 6.15 The third issue for consideration is the effect on existing trees. The tree report submitted with the application confirms that the closest proposed dwelling won't impact on the root protection area of any of the existing trees, but is very close and as such care must be taken during the construction process to retain their integrity. The tree protection plan and construction method statement provide recommendations within their reports.
- 6.16 The Council's Tree and Landscape Officer agrees with the findings and recommendations of these reports and raises no objections agreeing that matters could be dealt with via conditions to ensure that appropriate care is taken to route any services outside the trees root protection area (RPA).
- 6.17 It is conceded that the site layout precludes the possibility of including substantive soft landscaping, but this considerable tree belt to the east assists in improving matters, providing an added 'backcloth' against which the proposed dwellings will be viewed.
- 6.18 A last issue for detailed consideration relates to the potential overlooking of neighbouring property, particularly No.20 Bourne Road. Both the original and slightly revised layouts show the proposed houses sited to the rear of this property, with their side elevations orientated parallel to the eastern and western site boundaries. Rear garden depths are 8.5m and front gardens 2.5m for both plots.
- 6.19 Each house has one first floor bedroom window on each of the front and rear elevations and one first floor hall window to the side elevation. The garden depths proposed aren't considered to be an issue given the fairly lengthy gardens of the flats to the rear. A condition could be imposed on the hall window in the western elevation to prevent undue overlooking. However, the earlier window designs within the proposal gave rise to the potential for significant overlooking of neighbours' gardens from the first floor windows in the front elevation of the proposed dwellings and of greater concern, overlooking into the habitable room windows of neighbours to the south (principally No. 20).
- 6.20 The distance between the front windows of the closest proposed dwelling and closest habitable room windows at the rear of No.20 is scaled off the plans as being only 17.5m which would undoubtedly result in significant views into these windows and a correspondingly significant loss of privacy for occupants of that property. Indeed, the owner of No.20 has objected to the proposal on the grounds that it will create overlooking into his garden and the windows of his bedroom, bathroom, kitchen and kitchen diner and a result in a loss of privacy.
- 6.21 These concerns were understood and relayed to the agent requesting that issue be resolved through revised design. In response the agent initially proposed that the issue could be addressed by obscure glazing the lower half of the front bedroom windows, leaving the upper half clear.
- 6.22 Upon consideration, whilst this proposed treatment to the lower half of the windows might to some extent hinder views into the first floor bedroom windows of the proposed units it will do nothing to remove the ability of future occupants of the proposed dwellings from viewing into directly into the rear garden of the No. 20 nor its habitable room windows. Since this solution did not provide an acceptable reduction in the levels of overlooking and loss of privacy likely to arise, the agent was advised that the solution did not provide acceptable mitigation.

- 6.23 Revised plans were submitted by the agent on 16th July 2015 which show marginal adjustments to the buildings' footprints, repositioning the pair 170 mm northwards and illustrating what the agent believed to be an oblique angle of view from the first floor window of the closest proposed dwelling to No. 20 Bourne Road. However, despite these submissions the level of overlooking into the rear garden and habitable room windows wasn't considered to be adequately resolved given that the unacceptable direct overlooking to the rear windows of No. 20 Bourne Road remained.
- 6.24 The last revisions in respect of the windows in the first floor front elevations of both properties were submitted by the agent on 6th August 2015. The windows' designs were modified to include obscure glass fitted to the lower two thirds and a side opening fitted with restrictors so as to limit outward movement to 300mm. Whilst this design acceptably mitigates potential overlooking of No.20, the use of solely clear glazing over head-height in the only windows serving the front bedrooms would result in a sub-standard form of development which would fail to protect the amenity of future occupiers of the proposed development in terms of loss of outlook.

CONCLUSION

- 7.1 The proposal fails to protect the amenity of future occupiers of the proposed development in terms of loss of outlook from the first floor bedroom windows located within the front elevations and consequently is considered contrary to Policy CS02 'High Quality and Sustainable Design' and Policy DM02 'Design Principals' which seek to ensure that new dwellings provide good quality living accommodation.

RECOMMENDATION

That permission be refused for the following reason:

It is considered that the proposal fails to protect the amenity of future occupiers of the proposed development in terms of loss of outlook from the front bedroom windows. The proposal would result in the creation of a sub-standard living environment considered contrary to the aims of the Core Strategy Policy CS02 'High Quality and Sustainable Design' (adopted January 2009) and Development Management Policy DM02 'Design Principles' (adopted January 2011) which seek to ensure the provision of good quality living accommodation.

BACKGROUND INFORMATION: See application ref: DC/15/2343/FUL at www.waveney.gov.uk/publicaccess

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