

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2017/1812
<b>Site:</b>	114 Hawkes Mill Lane
<b>Ward:</b>	Bablake
<b>Applicant:</b>	Mr Lee Clarke
<b>Proposal:</b>	Erection of new bungalow and demolition of garage and outbuildings
<b>Case Officer:</b>	Anne Lynch

### **SUMMARY**

The application proposes to demolish the existing attached garage and outbuildings and erect a new dwelling. The dwelling will be two storeys with the first floor accommodation contained within the roof space.

### **KEY FACTS**

<b>Reason for report to committee:</b>	The local Ward Councillor has asked for the application to be considered by Planning Committee
<b>Current use of site:</b>	Side garden and garage for the existing dwelling

### **RECOMMENDATION**

Planning committee are recommended to refuse planning permission as it would result in over-development of the site, with a cramped layout that fails to respect the established character of the area, to the detriment of the visual amenities of the locality.

### **REASON FOR DECISION**

The proposal does not accord with Policies H12 and BE2 of the Coventry Development Plan 2001 and Policy DE1 of the Emerging Local Plan, together with the aims of the NPPF.

### **BACKGROUND**

#### **APPLICATION PROPOSAL**

The application proposes removal of the existing garage and erection of a detached two storey dwelling.

The dwelling would be approximately 7.9 metres wide and 14.4 metres deep. It proposes a pitched roof with hips to the side and central dormers. Although two storey, the upper floor utilises the roof space.

#### **SITE DESCRIPTION**

The application site is the side garden area of 114 Hawkes Mill Lane. The existing dwelling at 114 is a double fronted bungalow with dormer windows in the front roof slope. There is an existing garage to the side of no. 114 which is set towards the rear of the dwelling.

The side garden area, the application site, is approximately 9 metres wide and 85 metres deep. The site is located to the northern side of Hawkes Mill Lane and backing on to the Green Belt beyond the rear boundary.

There is a mix of property types within the street with the properties on the northern side being detached properties in larger plots when compared to those on the southern side. Plot widths vary but the existing dwelling has a plot width of approximately 20 metres which is typical of the dwellings backing on to the Green Belt.

No. 112 Hawkes Mill Lane is a two storey dwelling to the east which has been extended with a double detached garage alongside the boundary with 114.

No. 130 is a detached bungalow to the west of the application site. This has been extended to provide a conservatory extension to the rear alongside the boundary with 114. There are a number of windows in the side elevation of 130 facing towards the application site.

### **PLANNING HISTORY**

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
HH/2017/0917	Installation of footway crossing for vehicular access	Invalid
FUL/2016/2122	Demolition of existing garage and stores and erection of new dwelling with associated curtilage and parking area	Refused Appeal dismissed
FUL/2016/0883	Demolition of existing garage and stores and erection of new dwelling with associated curtilage and parking area	Withdrawn
HH/2016/0882	Addition of rooms to the roof space involving roof alterations including change from a hip to gable roof an creation of two front dormer windows	Approved 8 <sup>th</sup> July 2016

Application reference FUL/2016/2122 was refused for the following reasons:-

1. The proposed development would be contrary to Policies H4 and BE2 of the Coventry Development Plan by virtue of siting adjacent to the habitable room windows of 130 Hawkes Mill Lane which would have a serious detrimental impact on the residential amenities of the neighbouring occupiers.
2. The proposed development would be contrary to Policies BE2 and H12 of the Coventry Development Plan 2001 as it would result in over-development of the site, with a cramped layout that fails to respect the established character of the area, to the detriment of the visual amenities of the locality.

An appeal was subsequently dismissed whereby the Inspector concluded that:

“The proposal would not have an adverse effect on the living conditions of the residents of the adjacent dwelling. However, this does not alter my conclusions that the proposal would adversely affect the character and appearance of the area and the scheme’s

conflict with the policies BE2 and H12 of the Development Plan. The social and economic benefits created by one additional dwelling would not, I consider, outweigh the harm created by the proposal, and the proposal would be contrary to the National Planning Policy Framework which states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

## ***POLICY***

### ***National Policy Guidance***

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

### ***Local Policy Guidance***

The current local policy is provided within the Coventry Development Plan 2001 (CDP) relevant policy relating to this application is:

OS4 – Creating a more sustainable city  
EM2 – Air Quality  
EM4 – Flood Risk and Development  
EM5 – Pollution protection strategy  
H12 – Design and density of housing development  
AM22 – Road safety in new developments  
BE2 – The principles of urban design  
BE20 – Landscape design and development  
GE14 – Protection of landscape features  
GE15 – Designing new development to accommodate wildlife.

### ***Emerging Policy Guidance***

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings and consultation on modifications has concluded and the Inspectors report is currently awaited. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

HWB1 – Health Impact Assessments (HIA)  
DS3 – Sustainable Development Policy  
DS1 – Overall Development Needs  
EM6 – Air Quality  
EM4 – Flood Risk Management  
EM5 – Sustainable Drainage Systems  
EM1 – Planning for Climate Change Adaption  
H2 – Housing Allocations  
H9 – Residential Density  
AC1 – Accessible Transport Network

DE1 – Ensuring High Quality Design

GE1 – Green Infrastructure

GE3 – Biodiversity, Geological, Landscape and Archaeological Conservation

***Supplementary Planning Guidance/ Documents (SPG/ SPD):***

SPG Design Guidelines for New Residential Development

SPD Delivering a more sustainable city

**CONSULTATION**

No Objections received from:

Highways

No objections subject to conditions have been received from:

Ecology

Environmental Protection

Immediate neighbours and local councillors have been notified; a site notice was posted on 26<sup>th</sup> July 2017.

One letter of objection has been received, raising the following material planning considerations:

- a) Incorrect information in the supporting planning statement; the site is the side garden area and not vacant land and hedge and boundaries indicated to be retained have already been removed. These are shown to be retained in the approved extensions for the existing dwelling.
- b) The proposal would still give rise to a cramped appearance in the street scene and the significant loss of front garden space and landscaping to accommodate the proposal, including the new/revised car parking and access requirement. Therefore it does not fundamentally address the Inspector's primary reasons for refusal.
- c) The residential garden of 114 Hawkes Mill Lane also contributes urban green space which would be diminished.
- d) The site could become increasingly visible from the well-used Green Belt public footpath to the rear of the site as demonstrated by the recent development involving the removal of mature trees and landscaping at the adjoining 112 Hawkes Mill Lane.
- e) The proposed hipped roofed bungalow with interlocking concrete tiles does not reflect the Councils SPG – Ancient Arden Design Guidelines.

Four letters of support have been received, raising the following material planning considerations:

- f) The new building is in keeping with other dwellings in the street and would blend in well.
- g) We all understand the need for additional housing.
- h) The proposal would meet the need for more housing without going into the Green Belt.
- i) The existing tenant considers that the request for a bat survey seems a little over the top as the buildings are his domestic garage and utility room and he can confirm there are no bats living in those areas.

Councillor David Kershaw has indicated his support for the application stating:-

*"I have had a number of discussions with the applicant and have also spoken to a number of local residents. I also attend Allesley Parish Council Meetings and note they have supported this application. (Allesley Parish Council are very vigilant in protecting the parish and have discussed this in great detail and were keen to support it.)"*

*In light of the evidence and the new plans for a bungalow with a pyramidal roof that I have seen and examined carefully I strongly believe this will enhance Hawkes Mill Lane and the street scene. Clearly, a two storey dwelling was inappropriate but these new proposals are sensitive to the area and welcomed by the vast majority of the local community."*

Councillor Kershaw has also expressed concern that in 2015 the applicant was advised that the principle of development was considered acceptable and that this now has to go to Planning Committee.

### **APPRAISAL**

The main issues in determining this application are principle of development, design and layout, impact upon neighbouring amenity and highway considerations.

#### ***Principle of development***

Although on the outskirts of the city, the site is in a residential area with access to services. There is no direct conflict with the NPPF's presumption in favour of sustainable development and the principle of residential use is generally considered acceptable, subject to consideration of other plan policies.

Councillor Kershaw has raised concern that officers previously advised the applicant that the principle was acceptable but we are now opposing the application. At the pre-application stage in 2015, based on a desk-top assessment and having not visited the site, officers indicated that the principle of development was acceptable. The principle of development was not previously cited as a reason for refusal and is still considered to be acceptable, subject to consideration of other plan policies

#### ***Design and layout***

Policy BE2 of the CDP seeks a high quality urban design whilst the SPG 'Design Guidelines for New Residential Development' also encourages good design. Policy H12 states that a high standard of design will be required for new housing development and proposals will be considered on the basis of the recognition of existing site features and the relationship between buildings and spaces.

Policy DE1 of the Emerging Local Plan states that all development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of the area and sets out key principles which all development will be expected to meet.

The proposals will result in over-development of this plot with a new dwelling which will appear crammed in between the existing bungalow and the bungalow at no. 130. The properties on the northern side of the street are in spacious plots, mostly with long rear gardens, that back on to the Green Belt to the rear. A row of 7 properties all have

garden widths considerably in excess of that proposed for the new dwelling and existing dwelling. Whilst not considered to have a direct impact on the Green Belt, the proposal will result in over-development of this plot with a new dwelling which will appear crammed in between the existing bungalow and the bungalow at no. 130.

This application is a revised submission following refusal. The previous application proposed a two storey dwelling which utilised the roof space in an attempt to keep the height and design similar to that of a bungalow. In considering the appeal, the Inspector noted that the existing dwelling had consent for alterations and additions to its roof line which would result in 114 being slightly above no. 130 and slightly lower than 112. He also noted that this would result in the new dwelling being on a similar line to the consented no. 114 ridge line. The Inspector therefore considered that the proposal itself would not have appeared out of place in the street scene and that space would have been retained at the front of the dwelling for landscaping. However, when combined with the proximity of the proposal to both 130 and 114 (either its present guise or the extended version) the massing and overall size of the proposal would appear crammed in to the street scene.

The current application, whilst proposing a slightly larger footprint than the previous scheme, seeks to overcome the issue of massing by providing a pyramidal roofed design. Whilst this does result in less massing with pitches to the sides of the roof it still incorporates first floor accommodation as a two storey dwelling with three bedrooms and bathroom to the first floor. The overall height will still be in line with no. 114 when the latter is extended. A further concern is that the revised roof design will be out of keeping when no. 114 is extended in line with its current planning permission.

The Inspector considered that the development would remove an area within the street scene that by virtue of its current low key single storey flat roof nature contributes to the spacious character of the area, replacing it with a two storey building, which, when combined with the existing surrounding development would substantially and adversely harm the character of the area.

The Inspector also noted that the plot width would not be out of place in the wider area and that many of the properties on the opposite side of the street have narrower plots. However, he considered that the 2 storey semi-detached nature of the southern side of the street contributes to a more built up character on this side, in direct contrast to the northern side where the often low level and set back nature of the dwellings or their side extensions contributes to the spaciousness and semi-rural feel of the street. It is not considered that the proposal overcomes this concern as it would result in a new dwelling with a pitched roof in place of the existing flat roof garage attached to the existing bungalow. Not only is the garage flat roofed but it is set back from the front elevation and set in from the side boundary. The new dwelling would be sited in line with the front elevation of no. 130 and forward of the existing dwelling at no. 114 and only leave a distance of 1.85 metres to the side boundary, increasing the bulk and massing towards the street frontage. It should be noted that this does not suggest that a flat roof dwelling would be acceptable as this would not result in a satisfactory design and would still enclose this side garden area.

### ***Highway safety***

Policy AM22 requires safe and appropriate access to the highway system together with satisfactory on site arrangements for vehicle manoeuvring so as to ensure safety for all users.

Policy AC3 of the Emerging Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

Highways previously indicated no objection but required reinstatement of the redundant crossing. The application proposes use of the existing access to serve the new dwelling and there is an application for a new footway crossing for vehicular access to serve the existing dwelling which is currently invalid. Highways have reviewed their comments and have no objection.

### ***Residential amenity***

Policy H4 and SPG for new residential development set out minimum distances between habitable room windows and garden depths.

There are a number of windows in the side elevation of no. 130 that face directly towards the application site. This was previously a reason for refusal but the Inspector did not consider that, due to the size and placement of the size windows, they would not allow a significant amount of light in.

The dwelling would be positioned slightly closer to the boundary with the neighbour but the massing along the boundary would be reduced with the provision of a hipped roof instead of a gable. Officers do not consider that the proposals accord with SPG in terms of distances to windows but the Inspector has already considered this matter and does not support this view. Having regard for the Inspector's decision, the impact on residential amenity is no longer considered to be a reason for refusal.

### ***Other matters***

Ecology recommend that an initial bat survey is carried out prior to determination for the bungalow and attached garages/outbuildings to be demolished. As the application is being recommended for refusal it is not considered reasonable to require the applicant to commission a bat survey. A bat survey has not been provided to address Ecology's concerns and if there is a further appeal then the Inspector will be informed of this requirement.

Environmental protection indicate that, due to the historic use of the land for garages and kennels a condition is recommended in the event that contamination or unusual ground conditions are encountered during the development, that it must be reported in writing to the local planning authority. An investigation and risk assessment would then be required with any remediation as necessary.

In order to limit background levels of particulates within Coventry, Environmental Protection require a method statement detailing the control of emissions to air during demolition and construction phases.

Councillor Kershaw has indicated that the Parish Council are in support of the application but they have not submitted any comments to the local planning authority.

Residents have indicated that this would contribute towards the housing need without going into the Green Belt. In his conclusions, the Inspector considered that the social and economic benefits created by one additional dwelling would not outweigh the harm created by the proposal and the proposal would be contrary to the NPPF.

A local resident has raised concern about the accuracy of the supporting information. The front hedge has largely been removed and whilst this was an attractive feature within the street it is not protected by legislation. The loss of the mature landscaping to the front garden is also regrettable but again not protected. In terms of the accuracy of the details provided as part of the application for extensions to the existing dwelling, any amendments would need to be considered as part of that scheme.

### ***Conclusion***

The proposals are considered to have a detrimental impact on the character and appearance in the area, contrary to Policies BE2 and H12 of the Coventry Development Plan and Policy DE1 of the Emerging Local Plan and the application is therefore recommended for refusal.

### ***REASON FOR REFUSAL***

The proposed development would be contrary to Policies BE2 and H12 of the Coventry Development Plan 2001, Policy DE1 of the Emerging Local Plan and the National Planning Policy Framework as it would result in over-development of the site, with a cramped layout that would adversely affect the character and appearance of the area.

[Location Plan](#)

[Block Plan](#)

[Proposed Plan & Elevations](#)

[Site Plan](#)