



# Planning Committee

Astwood Bank &amp; Feckenham Ward

8th September 2009

2009/144/FUL ERECTION OF ONE DWELLING  
LAND TO THE REAR OF 11/13 NEW ROAD, ASTWOOD BANK  
APPLICANT: MS D TRIM  
EXPIRY DATE: 15TH SEPTEMBER 2009

## Site Description

(See additional papers for Site Plan)

The site lies to the rear (south) of numbers 11 and 13 New Road, Astwood Bank, with access off Tookey's Drive, which forms the southern boundary of the site.

The site comprises rear garden which previously served numbers 11 and 13 New Road, but this land has been combined to serve only number 11. There is an existing vehicular access to the site from Tookey's Drive. The site measures approximately 27 metres in length and approximately 11.5 metres in width.

Tookey's Drive, from which access is sought, is a single track lane some 400 m long running West from the A441 Evesham Road to Tookey's Farm. Directly opposite the site is the property 'Westridge'. To the East is a terrace of three cottages, No's 1-5 New Road which have their rear elevations facing the application site.

## Proposal Description

Full planning permission is sought to erect one new dwelling on land to the rear of 11 & 13 New Road, Astwood Bank. Access to the site would be via an existing vehicular access serving the rear garden to number 11 New Road, off Tookey's Drive to the South.

The dwelling proposed is two storey and would measure 7 metres in width with a depth of 6.5 metres. Its height to ridge would be 7 metres. A single garage measuring 6.5 metres in depth and 3 metres in width, with a height of 5.5 metres to ridge would be attached to the dwelling. The property would be of traditional 'cottage like' appearance. The proposed choice of materials would be bricks (walls) under a tiled roof.

## Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1	Delivering sustainable development.
PPS3	Housing.
PPG13	Transport.

### ***Regional Spatial Strategy***

CF2	Housing beyond Major Urban Areas.
CF3	Level and Distribution of New Housing Development.
CF5	The reuse of land and buildings for housing.
CF6	Making efficient use of land.
T2	Reducing the need to travel.
T7	Car parking standards and management.

### ***Worcestershire County Structure Plan***

SD.3	Use of previously developed land.
SD.4	Minimising the need to travel.
T.4	Car parking.

### ***Borough of Redditch Local Plan No.3***

CS.7	The sustainable location of development.
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling.
B(RA).8	Development at Astwood Bank.
B(BE).13	Qualities of good design.
C(T).12	Parking Standards.

### ***SPDs***

Encouraging Good Design.

### **Relevant Site Planning History**

2005/423	Erection of one new dwelling Appeal allowed 4/9/2006	Refused 12/12/05
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### **Public Consultation Responses**

#### **Responses in favour**

1 letter received. Comments summarised as follows:

- At this position access to the site is wide enough for passing traffic.
- This is the second application on the site, the first of which was allowed at appeal.

## Responses against

9 letters received in objection to the proposals. Comments summarised as follows:

- Amenity would be harmed due to noise and comings and goings from the site
- Tookey's Drive is unsuitable for development of this type
- Proposal would be out of character with surroundings
- Nearby properties would be overlooked, overshadowed, views will be affected, and light serving existing dwellings would be lost
- Congestion / traffic using Tookey's Drive will increase
- Building work will disturb nearby neighbours with dust/ dirt /debris affecting amenity
- Parking problems on New Road would increase
- Potential for light pollution

## Consultee Responses

### ***County Highway Network Control***

No comments received.

### ***Environmental Health***

No objection. Recommends standard contamination conditions (should the site be found to be contaminated) in order to safeguard human health.

### ***Severn Trent Water***

No objection. Drainage details to be subject to agreement with Severn Trent.

## Background

This application is identical to that submitted in 2005 under application 2005/423. Members may recall that they, in agreement with Officers advice at that time refused planning permission for that application, at the meeting of 6th December 2005. The refusal reasons were as follows:

- 1 *The proposed dwelling would be an incongruous form of development which would detract from the character and appearance of the surrounding area. Approval of this development is likely to lead to an undesirable precedent for further development to the west of the application site, which would further detract from the character and appearance of the vicinity and upon the visual amenities of the area.*

- 2 *The proposed development would result in existing vehicle parking facilities in the application site being displaced to the on-street facilities in New Road, Astwood Bank, a narrow road, where the availability of parking is already limited, to the detriment of highway safety. In addition, vehicular movements to and from the application site are likely to increase compared to that of the present situation, to the detriment of local amenity.*

The applicant then appealed against the Council's decision to refuse planning permission, where the Planning Inspector allowed the appeal on 4th September 2006. Condition 1 attached to the consent states that the development shall begin before the expiration of three years from the date of this permission (4.9.2006). Given that no start has been made on the development, the appeal consent has lapsed.

### **Assessment of Proposal**

The key issues for consideration are as follows:-

#### Principle

The principle of residential development in this location is considered to be acceptable. The land in question would be classified as previously developed or 'brownfield' land. Principle has also been established under application 2005/423 (erection of a single dwelling) where the Inspector correctly stated that Policy CS.7 of the Local Plan identifies Astwood Bank as a sustainable rural settlement. Paragraph 5 of the reasoned justification for that policy recognises that the local housing need here should be capable of being met through existing allocations and windfall allowances. This is clearly a windfall site. Policy B(RA).8 also makes provision for such windfall development in Astwood Bank.

#### Design and Layout

Officers and Members who sat at the Planning Committee of 6th December 2005 have previously considered that the siting of the proposed development would be at odds with the general pattern and form of development in the vicinity. Officers at that time raised no objection to the design and appearance of the dwelling, and noted that it met all of the Council's spacing standards which are contained within the adopted SPG Encouraging Good Design. Your Officers remain of the opinion (as was the opinion of the Planning Inspector) that the dwelling would not give rise to a material loss of residential amenity caused by loss of privacy, or loss of light due to the fact that the proposal meets all of those spacing standards. Your Officers would remind Members that under Planning Law there is no 'Private right to a view' and this cannot be considered in the determination of this application, although loss of outlook is a material consideration. A distance in excess of the minimum stipulated in the SPG (22 metres) would exist between proposed rear facing habitable room windows and rear windows serving habitable rooms occupied by the

nearest residents affected (11 and 13 New Road). This distance would be approximately 24 metres and as such your officers are satisfied that no loss of outlook would result.

The Inspector, in his deliberations considered that

*'the proposal would mirror the existing development opposite and not harm the character and appearance of the area'*

The development referred to above is the large bungalow 'Westridge'.

### Highways and Access

The Inspector, considering appeal 2005/423 commented that the use of the existing access would be on a 'like for like' basis and that the displacement of parking for 11 New Road would not be an issue. The existing access to the site is via two large metal gates, with the entire width of the site being surfaced with gravel. What is effectively a sizeable gravelled 'car park' and its use as a parking area cannot be controlled under planning law, provided that the use of the site remains ancillary to the enjoyment of the dwellinghouse to which it is connected.

Nothing suggests to your officers that this area is being used for anything other than for the parking of the applicant's own vehicles.

Your Officers consider, like the Inspector, that there would be no material increase in vehicle use between the existing situation and the activity associated with the occupation of a single dwellinghouse. Therefore, no loss of amenity would be likely to occur.

Three car parking spaces together with the attached garage would provide car parking to serve the proposed new dwelling, which exceeds maximum car parking standards as stated within Appendix H to the Local Plan. As such, it is unlikely that future occupiers of the new dwelling would require additional car parking spaces which could not be provided within the site's curtilage.

In the absence of any concerns raised by County highways, your Officers, like the Inspector do not consider that any displacement of parking for occupiers of number 11 New Road, would prejudice highway safety.

### Sustainability

The site lies within the settlement boundary of Astwood Bank, on previously developed land. Under the terms of Policy CS.7, the site is considered to be in a sustainable location. Should members be minded to approve the application it is recommended that a condition be attached to any approval requiring that the dwelling be built to minimum Level 3 requirement set out under Code for Sustainable Homes.

## Other matters

Member's attention is drawn to an application which has recently been refused planning permission, under delegated powers afforded to officers (31.7.09). This concerns a site, (land to the rear of 23 New Road), some 20 metres due west of the application site. This proposed the erection of 2 no. dwellings with access to be created from Tookey's Drive. Considering this application on its merits, Officers considered the application to be unacceptable because:

1. No development happened to exist on land immediately opposite, and to the immediate south of this site, unlike in the current proposal, where the site is located opposite the property 'Westridge'. This, in addition to the form of development proposed under that application was considered to adversely impact upon the established character and appearance of the area.
2. Considering the little used nature of this rear grassed garden area, two additional dwellings, having access from that point on Tookey's Drive were considered to increase intensification to such an extent that public amenity and highway safety would have been prejudiced.

Officers consider the application above (ref 2009/112/FUL) to be very different from the current application, having regard to that particular application's scale, appearance, location, and means of access.

## Conclusion

The application to be determined here is identical in every way to that refused by the Planning Committee, but allowed on appeal by the Planning Inspector on 4th September 2006. This consent could have been implemented at any time up until 4th September 2009 under the terms of that consent. This consent has not been implemented hence the submission of the current application.

Provided that there have been no material changes in circumstance since the approval of application 2005/423 that would make the application unacceptable, permission should be granted for this application.

Your Officers consider that no developments have been permitted in the vicinity of the application site that would lead to that change in circumstance making the application unacceptable. Whilst an application has recently been submitted (and refused) for the erection of two new dwellings at land to the rear of 23 New Road, and this may be considered to be a material consideration in the determination of this application, your Officers consider that the Inspector's decision to allow an identical proposal on this site is key, and given that applications should be determined on their individual merits, Officers consider that no harm to amenity nor to highway safety would result from granting permission for this development.

### Recommendation

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:**

1. Development to commence within three years
2. Details of materials (walls and roofs) to be submitted
3. Landscape scheme including details of boundary treatment to be submitted
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details
5. Limited working hours during construction period
6. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes
7. No windows to be constructed in the west or east elevations of the dwelling
8. Materials to be used in construction of parking area to be porous.
9. Land contamination (standard condition)
10. Development to be carried out in accordance with plans submitted with application

### Informatives

1. Drainage details to be in agreement with Severn Trent Water