

Planning Statement

84 The Uplands, Gerrards Cross

Prepared on Behalf of Mr & Mrs Sweeney

June 2018



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Ref: APL-082 – 84 The Uplands



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Appendix 1: Burnham Appeal Decision Ref APP/N0410/W/17/3184161

1.0 Introduction

- 1.1 This Planning Statement has been prepared to assist South Bucks District Council (SBDC) with their determination of a full planning application for:
- the demolition of an existing dwelling and the erection of three detached dwellings at 84 The Uplands, Gerrards Cross, SL9 7JG*
- 1.2 The application site comprises an existing dwelling on a large, spacious plot within the built up area of Gerrards Cross.
- 1.3 The application submission comprises the following plans and documents:
- a) Application form and relevant certificates;
 - b) Planning Statement (Arrow Planning);
 - c) Site Location Plan and Site Plan drawing no. 1525/SP1B;
 - d) Plot 1 Proposed Floor Plans and Elevations, drawing no. 1525/P1A;
 - e) Plot 2 Proposed Floor Plans and Elevations, drawing no. 1525/P2A;
 - f) Plot 3 Proposed Floor Plans and Elevations, drawing no. 1525/P3A;
 - g) Extended Phase 1 Habitat Survey Report;
 - h) Bat Survey Report;
 - i) Arboricultural Report;
- 1.4 The purpose of this Planning Statement is to assist SBDC in their determination of the planning application and assess the proposed development against the policies in the development plan and other material considerations (including emerging development plan documents).
- 1.5 The Planning Statement is structured as follows:
- a) Section 2.0 describes the application site and its surroundings.
 - b) Section 3.0 summarises the application proposals.
 - c) Section 4.0 outlines the relevant planning policy framework for the determination of the application.
 - d) Section 5.0 provides the development management assessment.
 - e) Section 6.0 draws our overall conclusions.
- 1.6 For the reasons set out in this Planning Statement, the application would represent sustainable development in a highly sustainable location. It proposes the redevelopment of a brownfield site within the urban area. Planning permission should therefore be granted for the proposed development.

2.0 Site and Surroundings

- 2.1 The application site comprises a large, spacious plot with a modest detached dwelling of no particular architectural merit. The site is well contained, with a number of mature trees along its frontage to The Uplands, which provide some screening of the site. There is an area of semi-natural broad leaved woodland in the northern part of the site, through which passes a small stream. The site is well screened from the surrounding area and neighbouring properties due to the existing mature trees both on the site and on adjoining properties.
- 2.2 The surrounding properties comprise a mixture of modest detached dwellings of a variety of sizes and designs, with varying sized plots. Whilst some plots on The Uplands and the nearby road Daleside are more spacious, there are a number which are much narrower and contain dwellings only slightly narrower than the width of their respective plots. In particular, nos. 43-53 The Uplands have noticeable narrower plots, with built form extending almost up to the boundary on each plot. Daleside, some 65m to the west of the application site, similarly contains detached dwellings on narrow plots.
- 2.3 The application site is located in the built up area of Gerrards Cross and is not subject to any particular policy designations.

Relevant Planning History

- 2.4 A previous application on the site (application ref 17/02341/FUL) for 3 detached dwellings, was refused planning permission on 7th March 2018 for the following reasons:
- 1. The proposed development, by virtue of the siting, depth, and bulk of the proposed dwellinghouses, coupled with the narrow frontages created and the limited gaps both in between the proposed dwellings and to the flank boundaries would appear at odds against the prevailing character of development within the street scene. As such, the proposal would adversely impact upon the character and appearance of the site and locality in general, contrary to policies EP3 and H9 of the South Bucks District Local Plan (adopted March 1999), policy CP8 of the South Bucks Core Strategy (adopted February 2011), the South Bucks Townscape Character Study 2015, and the NPPF (Section 7 - Requiring Good Design).*
 - 2. The proposal has failed to address the impact on the Oak tree (T10) adjacent to the proposed dwelling in Plot 1 which is situated within No. 84's property. It has not adequately taken into account BS5837:2012 'Trees in Relation to Design, Demolition and Construction' and is likely to have a considerable impact on the trees' root system and would result in the pruning of the tree to the detriment of the health and stability of the tree and its continuing contribution to the visual amenity and character of the area. As such the proposal is considered to be contrary to saved policies EP3 and EP4 of the South Bucks District Local Plan (adopted March 1999).*

3. *Inadequate ecological information has been submitted with the application and it has not been possible to fully assess the impact of the proposal on biodiversity including the impact of the proposed development on any protected species. The application has therefore failed to demonstrate how net gain for biodiversity will be obtained and is therefore contrary to Core Policy CP9 of the South Bucks Core Strategy (adopted February 2011) and the guidance set out in the NPPF.*
- 2.5 A nearby application at 32 Daleside (application ref 18/0300/FUL) for the redevelopment of the site to provide two detached dwellings, was granted planning permission on 19th April 2018.

3.0 Application Proposals

- 3.1 The application proposes the demolition of the existing dwelling and the construction of three new detached dwellings, each with individual accesses.
- 3.2 The proposed dwellings would be of traditional design in keeping with the general character and appearance of the surrounding area. The design of the dwellings proposes a hipped roof with two story front hipped roof projections, and flat roofed single storey rear extensions. The materials to be used in the proposed dwellings would be similar to the materials used locally; likely a stock brick and plain clay tiled/slate roof, to help integrate the proposal into the street scene.
- 3.3 Car parking is provided for each individual dwelling in the form of an integral garage and parking spaces in front of each dwelling. Each proposed dwelling sits broadly centrally within their respective plots, and results in a similar spacing and character of development to a number of properties along both The Uplands and Daleside.
- 3.4 Amenity space is provided to the rear of each property, again at a comparable scale to surrounding properties.

4.0 Relevant Planning Policy

South Bucks Local Development Framework Core Strategy (February 2011)

- 4.1 Core Policy 1 sets out the housing provision and delivery requirements for the District.
- 4.2 Core Policy 8 considers the built and historic environment. It states that “On land excluded from the Green Belt, new housing should be built at an average density of between 25 and 35 dwellings per hectare. However, actual densities may be higher or lower than this, to reflect factors such as the accessibility of the site and the character of the surrounding area.” The accompanying text proposed a new Development Plan Document (DPD) which was to identify ‘character areas’ and provide a clear framework for assessing the impact of proposals on character within those areas. However, the DPD has not been produced.
- 4.3 Core Policy 9 concerns the natural environment. It states that new development will not be permitted that would harm nature conservation interests.

Saved Policies in the South Bucks District Local Plan (March 1999)

- 4.4 Saved Policies H9, EP3 and EP4 are all referenced in the reasons for refusal of the previous application. These saved policies all predate the National Planning Policy Framework (NPPF), and therefore due weight should only be given to these saved policies according to their degree of consistency with the NPPF.
- 4.5 Policy H9 concerns residential layout and design. In particular it states that proposals involving the development of land for residential purposes will only be permitted where the proposal is compatible with the character of the surrounding area; does not affect the character or amenity of nearby properties or the locality in general; and states that proposals which do not “*make as full and effective use of land as would be possible whilst remaining consistent with all other policies in this Plan*” will be refused.
- 4.6 Policy EP3 concerns the use, design and layout of development. The Policy states that “*Development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general.*”
- 4.7 Paragraph 6.13 of the explanatory text to Policy EP3 states: “The opportunities for development in the District are very limited, principally as a result of policies of strategic restraint and especially those relating to the Green Belt.” Paragraph 6.14 meanwhile states that: “*The criteria listed in the policy do not generally require that the design or layout of development should be identical to existing surrounding development.*”

- 4.8 Paragraph 6.15 states that existing natural features, such as trees, can provide some screening of development.
- 4.9 Policy EP4 relates to landscaping. It requires development to incorporate appropriate landscaping measures; take account of and retain existing landscaping features; where appropriate provide additional landscaping; and make proper provision for the maintenance and retention of both existing and proposed planting.

National Planning Policy and Guidance

- 4.10 The NPPF supports “sustainable development” which (para 14) “should be seen as a golden thread running through both plan making and decision taking”. Para 56 of the NPPF states *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 4.11 Para 17 of the NPPF sets out the Core planning principles. Bullet 8 encourages the effective use of land through the use of brownfield land.
- 4.12 The Planning Practice Guidance (PPG) states good design should: “enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being” (Paragraph: 002 Reference ID: 26-002-20140306).
- 4.13 The PPG also recognises how local building forms and details contribute to the distinctive qualities of a place (Paragraph: 007 Reference ID: 26-007-20140306).

Other Policy and Guidance

South Bucks Townscape Study (July 2015)

- 4.14 The reason for refusal includes reference to the South Bucks Townscape Character Study (July 2015) (TCS). The document was produced to provide *“a more detailed townscape assessment as an evidence base for the Council’s forthcoming Development Management Local Plan. (DMLP)”* (para 1.0.3).
- 4.15 The DMLP has not been progressed with, and the document has no formal status in the Development Plan, or as Planning Guidance

5.0 Development Management Assessment

- 5.1 The application follows the refusal of application 17/02341/FUL and has been amended to address the three reasons for refusal. The first reason for refusal related to the impact of that proposal on the character and appearance of the site and locality in general. The second reason for refusal related to the impact of that proposal on the Oak Tree T10, whilst the third reason for refusal stated that inadequate ecological information had been submitted with that application. There have been no other material changes in circumstances since the previous application was determined, and therefore the current scheme is considered against each of the previous reasons for refusal.
- 5.2 Importantly, any potential impacts must be carefully considered against the pressing need to deliver new dwellings in the District. The Core Strategy predates the NPPF, and the housing targets contained within are based upon out of date figures and not the most up to date Objectively Assessed Need. The housing supply policies are therefore out of date and the presumption in favour of sustainable development must apply.
- 5.3 As set out earlier in this Statement, the Local Plan identifies that opportunities for development in the District “*are very limited*”, and therefore every opportunity for development on sites outside of the Green Belt must be carefully considered. The Inspector considering a recent appeal for a replacement dwelling Burnham (enclosed at Appendix 1) recognises this important point at para.10 of his report. In particular he points out the changes to local and national policy (which have come into effect since the Local Plan and Core Strategy were both adopted) which place greater emphasis on the need to make full and effective use of land.
- 5.4 The site is close to a range of shops and facilities, being a short distance from Gerrards Cross town centre. Gerrards Cross benefits from a number of shops, offices, and in particular, a mainline railway connection to London Marylebone station with regular services. There are also bus stops nearby on the Fulmer Road and A40 Oxford Road providing regular bus services to destinations such as Gerrards Cross station, Uxbridge, Iver Heath and Heathrow Airport. The site is clearly therefore in a sustainable location.
- 5.5 The site is residential land in a highly sustainable location, in the built up area outside of the Green Belt, and not subject to any particular designations. Significant weight should therefore be given to proposals for residential development on such a site.

Reason for Refusal 1 – Impact on Character and Appearance

- 5.6 The proposed dwellings have been reduced in size and scale from those proposed in the previous application. The overall depth of each dwelling has been reduced, whilst the rear projection in plot 3 has been reduced to a flat roof single storey element.
- 5.7 Each proposed dwelling sits comfortably within its plot, and the distance to front and side boundaries is similar, if not larger, than the dwellings at

43-53 The Uplands. Moreover, the relationship of dwellings to plot boundaries is comparable to the recently approved scheme at 32 Daleside. In the case of the scheme at 32 Daleside, the gap to boundary is stated in the Officers report as being 1m between the flank elevation of each dwelling and their shared boundary.

- 5.8 The proposed dwellings are of a similar size, scale and appearance to other dwellings along The Uplands and Daleside and would not result in a cramped appearance or perception of overdevelopment. Instead, they would sit comfortably within their respective plots and the street scene and would have an acceptable impact upon the character and appearance of the street scene and surrounding area.
- 5.9 Furthermore, the site benefits from existing mature tree screening, which is shown as retained on the Site Plan. This tree coverage would help integrate the development within the street scene, something other developments in the locality do not benefit from.
- 5.10 Having regard to the changes in the scheme design, the recent approval at 32 Daleside, and the pressing need for development in non Green Belt locations in the District, it is considered that the proposed scheme is acceptable and accords with the requirements of Policies EP3 and H9 of the Local Plan, and Policies CP1 and CP8 of the Core Strategy and overcomes the first reason for refusal.

Reason for Refusal 2 – Impact upon Tree T10

- 5.11 Accompanying the application is an arboricultural report which considers the impact of the proposed development upon tree T10. The report concludes that the proposed scheme, by virtue of the reduction in size and distance from tree T10, would not have an unacceptable impact upon the tree, or its root system.
- 5.12 The proposal therefore accords with Local Plan Policies EP3 and EP4 and overcomes the second reason for refusal.

Reason for Refusal 3 – Biodiversity

- 5.13 The application is accompanied by an Extended Phase 1 Habitat Survey Report and Bat Survey Report. The Habitat Survey report finds that there are no likely impacts upon any statutory or non-statutory nature conservation sites from the scheme. It also concludes that the area of woodland in the northern part of the application site would not be affected by the proposals, whilst the remaining part of the site contains habitats of negligible to low value.
- 5.14 The Habitat Survey report recommends that new planting takes place, along with 2 new bird boxes placed in the woodland and the implementation of the enhancements proposed in the accompanying bat report. It states that these measures would bring about a net gain in biodiversity, in accordance with the requirements of the NPPF.
- 5.15 With regard to protected species, the Habitat Survey Report considered the suitability of the site for bats, water vole, great crested newts and

nesting birds. With regard to great crested newts and water voles, the report found that the site did not provide suitable habitats for either species.

- 5.16 In respect of nesting birds, it found that the woodland may provide suitable habitat, and recommended work taking place outside of the main nesting season.
- 5.17 Finally, with regard to bats the survey work identified roosting pipistrelle bats behind hanging tiles located in the southern elevation of the buildings. The report proposes mitigation, in accordance with Natural England bat mitigation licences, with cavity wall bat boxes proposed on the new dwellings, along with bat boxes in the woodland in the northern part of the site.
- 5.18 Having regard to the survey work carried out and following adoption of the mitigation and enhancement measures proposed (which can be secured by way of appropriately worded condition), the proposed development would not result in a harmful impact upon any protected species. It therefore accords with Core Strategy Policy CP9 and overcomes the third reason for refusal.

6.0 Summary and Conclusions

- 6.1 The application proposes the redevelopment of a sustainably located brownfield site, within the urban area of Gerrards Cross, for residential development.
- 6.2 Both national and local planning policy put a strong emphasis on the redevelopment of brownfield sites, particularly in sustainable locations. The site, in the urban area of Gerrards Cross, is close to local bus stops and a reasonable walk from the town centre and railway station.
- 6.3 The proposed development of 3 dwellings would make a useful contribution to housing need in the District.
- 6.4 The proposed new dwellings would be in keeping with the character and appearance of the area and would result in a development that would satisfactorily integrate into the character and appearance of the area. The respective plot sizes and widths of the new dwellings would be comparable with other plots in the locality, and the proposal accords with the requirements of Policy CS8.
- 6.5 The application includes an arboricultural report and ecological assessments which address the second and third reasons for refusal of the previous application. The proposed development accords with the Policies contained in the Core Strategy and saved Policies of the Local Plan.
- 6.6 In conclusion, the proposed development has significant merit in planning terms. It will form sustainable development in an appropriate location and will make a material contribution in the short term to meeting housing need. Moreover, it would not have any unacceptable impacts upon the environment or local residents. The presumption in favour of sustainable development should apply.
- 6.7 There are no material considerations which indicate that planning permission should not be granted; indeed, a number of benefits will arise from the grant of planning permission.



Appendix 1: Burnham Appeal Decision Ref APP/N0410/W/17/3184161

Appeal Decision

Site visit made on 15 January 2018

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal Ref: APP/N0410/W/17/3184161
59 The Fairway, Burnham SL1 8DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs S Pursey against the decision of South Bucks District Council.
 - The application Ref 17/00907/FUL, dated 15 May 2017, was refused by notice dated 17 July 2017.
 - The development proposed is described on the decision notice and appeal form as a 'detached dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at 59 The Fairway, Burnham SL1 8DY in accordance with the terms of the application, Ref 17/00907/FUL, dated 15 May 2017, subject to the conditions set out on the attached schedule.

Procedural Matters

2. The proposal concerns the erection of a two storey detached dwelling on land within the present garden of No 59 The Fairway and to the side of that existing house. The plot would be divided.
3. There is an extant planning permission (Ref 15/02210/FUL) to construct a two storey side extension of the house at No 59. It would replace an existing single storey double garage adjacent to the site of the proposed dwelling. Such an extension would close what would otherwise be a visual gap at first floor and roof level between No 59 and the appeal dwelling. However the Appellants have submitted a signed unilateral undertaking dated 8 December 2017 to the effect that they would not implement the planning permission for that extension if the present appeal is allowed.

Policy Context

4. Statute requires that the appeal is determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan here includes the South Bucks Local Development Framework Core Strategy (2011) (the CS) and the saved policies of the South Bucks District Local Plan (1999) (the LP). Other material considerations include the South Bucks Townscape Character Study Rev A (2015) (the TCS), the Residential Design Guide Supplementary Planning Document (2008) (the RDG) and the National Planning Policy Framework (2012) (the Framework).

Planning History

5. Some 28 years ago in 1990 an appeal¹ was dismissed in respect of a refused planning application for the erection of a detached bungalow in a similar position on the appeal site. That decision predated the current development plan and national policy. The Inspector concluded amongst other things that the density of development would not have been unduly at variance with the estate. However he expressed concern about the lack of direct road frontage, and at the bungalow appearing to be 'squeezed in'. He was also concerned about the contrast between the bungalow and the taller house at No 59 with their different architectural styles. He further considered that movements to and from the dwelling along the drive would cause considerable noise and disturbance to the occupiers of Nos 59 and 61. For those reasons the appeal was dismissed.

Main Issues

6. Having regard to local and national policy and guidance, the decision notice, the representations from interested persons, and that previous appeal decision, the main issues are considered to be the effect of the proposed development on: the character and appearance of the area; and on the living conditions of neighbouring residents in respect of privacy noise or disturbance.

Reasons

Character and appearance

7. CS Policy CS8 provides, amongst other things, that all new development shall be of a high standard of design and make a positive contribution to the character of the surrounding area. Character areas are to be defined in a subsequent supplementary planning document. New housing is to be built at an average density of 25-35 dwellings per hectare but higher or lower densities may be appropriate to reflect factors such as the character of the area.
8. LP Policy H9 provides amongst other things that the Council will not grant permission for proposals which do not make as full and effective use of land as possible whilst remaining consistent with all other policies in this Plan. The reasoned justification refers to the limited amount of land in the District available for housing development and states that full and effective use of land must be made because it is a scarce resource.
9. The appeal site is located in an area with an existing density that is apparently below the preferred range of 25-35 dwellings per hectare. The area is characterised mainly by detached houses and large bungalows. These are set back from the road beyond open plan front gardens which creates a spacious character. However most dwellings are relatively close to their neighbours on each side. No 59 is in a corner location and currently has an unusually large plot for the area. After the development the plot and garden size for each dwelling would remain consistent with the character of the estate.
10. In 1990 the previous appeal Inspector concluded that the proposed density of development with 1 dwelling was appropriate in this area and I consider that remains the case. Moreover current local and national policy now places greater emphasis on the full and effective use of land than was the case in

¹ Appeal Ref T/APP/N0410/A/89/127690/P4

1990. The present national need for additional housing has been widely reported. That need is particularly strong in the south east. In South Bucks much of the District is in the Green Belt and suitable land is notably scarce, as the development plan acknowledges. The appeal site is within a built up area and is not in the Green Belt.

11. LP Policy EP3 provides amongst other things that: development should be in scale with surrounding development, including any buildings which are to be retained on the site, and should not adversely affect the character or amenities of any nearby properties or the locality in general. The retention and provision of space between buildings should respect the scale of spaces in the locality. Buildings should be of a form and design which would respect and harmonise with surrounding properties, including any buildings on the site which are to be retained, and with buildings in the locality in general. The fenestration of buildings should safeguard against the loss of privacy to residential properties by reason of overlooking.
12. LP Policy H9 similarly provides amongst other things that in residential development the proposal would be compatible with the character of the surrounding area in terms of density, layout, design, height, scale, form and materials and would not adversely affect the character or amenities of nearby properties or the locality in general.
13. The appeal site is not defined as an Area of Special Character but it lies within an area which the TCS characterises as 'Open Plan Suburban'. Here that document recommends the retention of open plan landscaped frontages. It warns that piecemeal infill development may dilute the uniform character. New build development should be carefully designed to reflect the character, form and materials of the existing buildings. Parking should be carefully integrated to avoid the introduction of hard landscaped front gardens and grass verges and soft landscaping should be retained.
14. As a two storey dwelling with similar proportions and elevational detailing as No 59, the height and style of the proposed dwelling would be more in keeping with that house than was the bungalow proposed in the 1990 appeal and which was criticised by the Inspector in those regards.
15. By comparison with that bungalow proposal, the proposed two storey house would be of reduced width with a smaller footprint and more space around the building. It would be of similar scale to No 59 and other nearby houses. The building would be approximately aligned with the front elevation of No 59 in a manner which is characteristic of the local area and I do not consider that the development would appear cramped or 'squeezed in' and it would not dilute the area's character.
16. Many of the houses on the estate are positioned close to their neighbours. It is likely that the many side extensions that have been made to other houses in the area have already reduced the previous gaps and altered its character since 1990 to some degree. Nevertheless the area retains a spacious character and this would not be materially disturbed by the proposed development. This would apply whether or not the flat-roofed single storey extension recently permitted at No 61 is implemented (Ref 17/01982/FUL). The unilateral undertaking to not implement the permitted 2 storey extension at No 59 would retain a gap at upper levels and prevent a perceived loss of spaciousness at first floor and roof level.

17. The proposed house would not encroach into the open plan area between No 59 and the road and there would only be a modest extension of the driveway within this area which would not affect its openness. Whilst the access drive would be shared with No 59 it is not uncommon for dwellings in this type of suburban development to share a private driveway and not to have a direct road frontage. That arrangement allows land to be used more efficiently. The layout demonstrates how room could be provided at the front of the proposed dwelling for parking and planting without encroaching onto the existing open plan area.
18. I acknowledge that the occupier of No 59 could no longer park on the shared section of driveway and therefore might seek to alter the drive within that property to increase the parking capacity. However that is likely to be development that could be implemented as permitted development in any event and would not warrant the dismissal of the appeal. It should still be possible to leave ample space for planting.
19. I conclude that the density, scale, and design of the development would be in keeping with the character and appearance of its surroundings and would accord with the development plan in those regards.

Living Conditions

20. The building has been carefully designed to minimise the risk of overlooking from first floor windows that might affect the privacy of neighbours. A condition can be applied to control the installation of further windows. Some overlooking of neighbouring properties is in any case inevitable in suburban location such as this.
21. Whereas the Inspector for the 1990 appeal considered that the development of a bungalow would result in noise and disturbance for the occupiers of Nos 59 and 61, this was not a reason for refusal of the current proposal. Any vehicle movements to and from this single dwelling would be near the road where there is already noise from passing traffic. It is likely that most residents in the area would already hear the vehicle movements of their immediate neighbours including from the use of the present driveway at No 59 which the proposed dwelling would share. The proximity of the vehicle movements to neighbouring dwellings would be similar to that which already occurs at many other dwellings in the area. I do not consider that it would result in unacceptable noise or disturbance.
22. The proposed fenestration has been designed to minimise the risk of overlooking from upper floor windows. Whilst it may be possible for those walking on the driveway to see into windows at the proposed ground floor extension at No 61, that is a situation of the neighbour's making and would be capable of mitigation by appropriate treatment of the windows. It would apply in relation to movements to and from No 59 in any event. Moreover these windows would be on the public side of the bungalow and would be visible in public views from the street such that there would not be a significant loss of privacy.
23. I conclude that the development would not have a material adverse effect on the living conditions or amenities of neighbouring residents and would accord with the development plan in that regard.

Other Matters

24. All other matters raised in representations have been taken into account but they do not outweigh my conclusions on the main issues. In relation to matters of precedent the appeal falls to be determined on its own merits. In any event no directly comparable developments elsewhere in the local area have been drawn to my attention and neither have any similar sites for future development been clearly identified in the evidence before me. Any proposals for such further developments would themselves need to be determined on their merits.

Conditions

25. The Council has proposed a series of conditions in the event that the appeal is allowed and none of these have been objected to by the Appellant. I generally agree with these subject to some minor wording changes in the interests of clarity and certainty. Conditions to control the use of materials, initial landscaping and walls and fencing are needed to protect the character and appearance of the area. Conditions to restrict further development are needed for the same reasons and to protect the amenities of neighbouring residents. However the reference to particular sections of the General Permitted Development Order would become confusing after that Order is revised in the future, as is likely, and amended wording is needed. Conditions for parking are needed to ensure suitable provision is made for the new dwelling and to reduce the need to park on street where it might affect the safety and free flow of the highway. A surface water drainage condition is required to ensure that suitable provision is made without creating or exacerbating local drainage problems. A preference for native planting is not necessary within a suburban domestic garden.

Overall Conclusions

26. My overall conclusion is that the proposed development would accord with the development plan and the appeal should be allowed.

Robert Mellor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

Approved drawings

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 100417/01A – Location Plan
 - 100417/03 – Block Plan
 - 100417/04 – Floor Plans and Elevations
 - 100417/05 – Proposed Elevations
 - 100417/10 – Dimensioned Layout Plan

The development to which this planning permission relates shall be undertaken solely in accordance with the drawings.

Materials

- 3) No development shall take place until samples and a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.
- 4) No development hereby permitted shall commence until samples and/or a specification of all finishing materials to be used in any hard surfacing of the application site have been submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be constructed using the approved materials.

Landscaping

- 5) Notwithstanding any indications illustrated on the drawings already submitted, no development shall take place until there has been submitted to and approved by the District Planning Authority in writing a scheme of landscaping incorporating details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped.
- 6) 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 development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, 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 District Planning Authority gives written consent to any variation.

- 7) The existing trees and hedgerows on the site, as shown on drawing number 100417/03, shall not be removed, felled, tapped, lopped or disturbed in any way within a period of five years from the date of this permission, without the prior consent of the District Planning Authority in writing. Similarly, no damage shall be caused to the roots of the trees and/or hedgerows. Any trees and hedgerows removed, felled or damaged or destroyed within a period of five years from the date of this permission shall be replaced by another tree or shrub of the same species at the same location, at a time agreed in writing by the District Planning Authority.

Means of enclosure

- 8) All walls and fencing shall be erected in accordance with the approved details before the initial occupation of the dwelling.

Restrictions on further development

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no enlargement of the dwelling house the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse be constructed or placed on any part of the land covered by this permission, beyond those works included in the development hereby permitted, without planning permission having first been obtained via the submission of a planning application to the District Planning Authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no windows other than those shown on the approved drawings shall be inserted at or above first floor level in the north and east elevations of the dwellinghouse hereby permitted.
- 11) The first floor windows in the northern elevation of the dwellinghouse hereby permitted shall be fitted and permanently maintained with obscure glazing and be of a permanently fixed, non-opening design below a height of 1 .7m above finished floor level.

Parking

- 12) 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.
- 13) The garage hereby permitted shall not be used other than for the accommodation of a private motor vehicle or for purposes incidental to the enjoyment of the dwelling house as such, and, in particular, shall not be used for any business purpose, nor converted into living accommodation without planning permission having first been obtained by the submission of a planning application to the District Planning Authority.

Surface water drainage

- 14) No development shall take place until details of SuDs (Sustainable Urban Drainage Systems) have been submitted to and approved in writing by the District Planning Authority. The dwelling shall not be occupied until the approved system has been installed and the development shall otherwise be carried out in accordance with the approved details.