

## REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 11 DECEMBER 2008

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### SUMMARY STATEMENT – PART TWO

Applications recommended for approval

The sites concerned are:

11	Stubbing House, Hollin Road, Shipley	(Page 8)	<b>Windhill/Wrose</b>
12	Land at Stubbing House, Hollin Road, Shipley	(Page 14)	<b>Windhill/Wrose</b>
13	32 Weavers Lane, Cullingworth	(Page 20)	<b>Bingley Rural</b>

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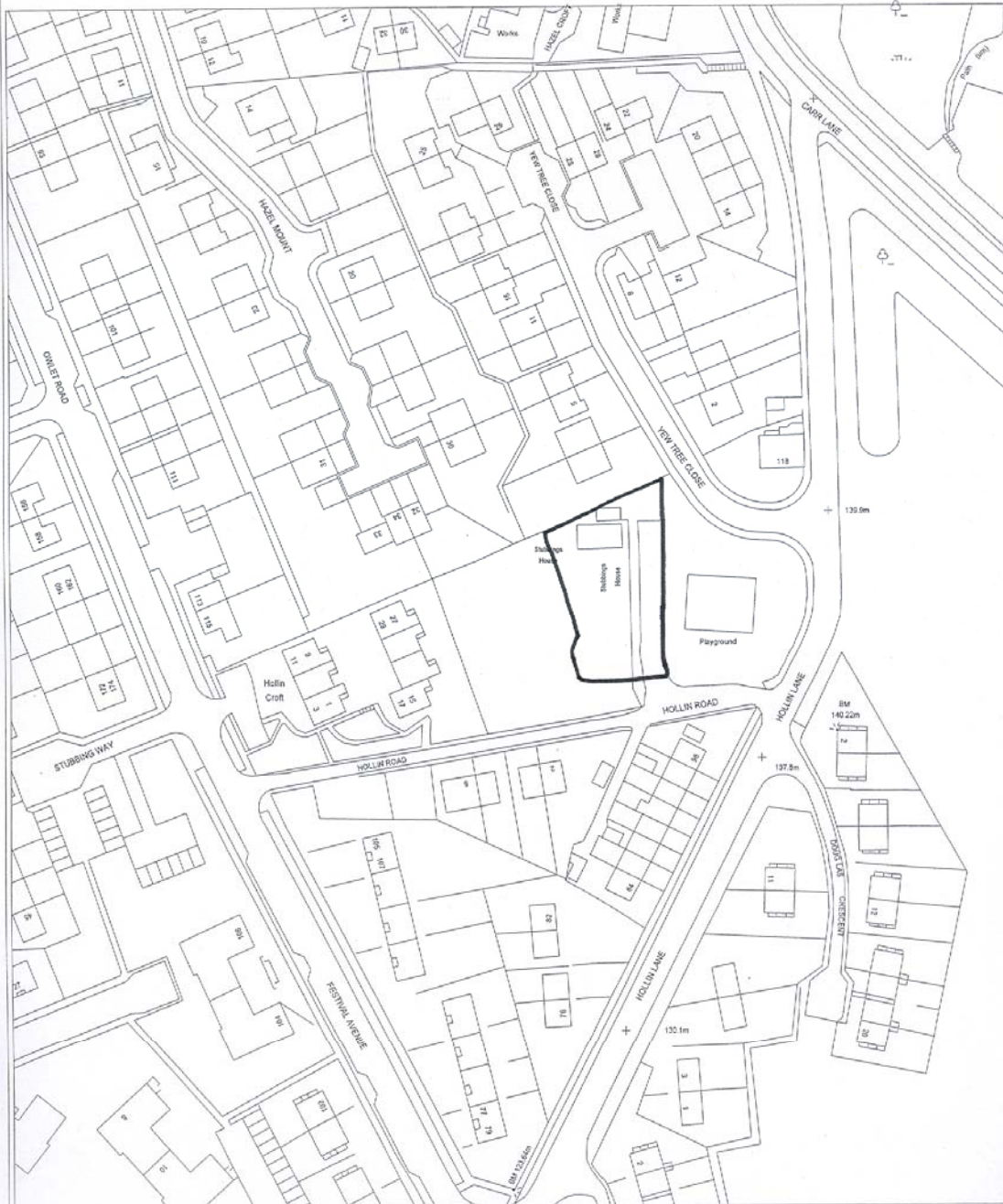
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Environment

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**Improvement Area**  
Environment & Waste Management

# SHIPLEY AREA PLANNING PANEL

DATE  
11 December 2008



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**ITEM No. 11**

LOCATION

**Stubbing House, HOLLIN ROAD, SHIPLEY**

**11 DECEMBER 2008**

**ITEM NUMBER: 11**  
**WARD: WINDHILL AND WROSE**  
**RECOMMENDATION: TO GRANT PERMISSION WITH CONDITIONS**

**APPLICATION NUMBER: 08/01655/FUL**

**Type of Application/Proposal and Address:**

Planning permission is sought for the construction of a detached two storey building comprising double garage at ground floor with a self-contained one bedroom flat above, within the curtilage of Stubbing House, Hollin Road, Shipley.

**Site Description:**

Stubbing House is a double-fronted, two-storey, Victorian house of stone construction. It sits within sizeable grounds on the north side of the unmade and narrow Hollin Road in a residential area of Shipley. A wide, loose-surfaced drive leads from Hollin Road to the house. The proposed development would be located at the northern end of this area, adjacent to Stubbing House. The property has a recent conservatory extension to the front elevation and a detached store building adjacent to the rear elevation. In the front garden, between Stubbing House and Hollin Road, is a recently constructed, detached, single storey building providing accommodation ancillary to the main house.

Immediately to the east of Stubbing House is a playground. Houses are located to the south across Hollin Road and to the north on Yew Tree Close. To the west, on falling ground, is an overgrown former garden area (subject to current planning application ref: 08/02834/FUL), beyond which is the two storey residential flat development 'Hollin Croft'.

The site is not within a conservation area and contains no listed buildings or protected trees.

**Relevant Site History:**

07/08656/FUL - Construction of detached garage with first floor flat, refused 6<sup>th</sup> December 2007 due to the siting, height and massing of the proposed building having an overbearing impact on neighbours to the detriment of residential amenity.

02/03220/OUT - Renewal of outline planning permission for residential development, granted 22<sup>nd</sup> October 2002.

99/01382/OUT - Residential development renewal of application 95/01851/OUT, granted 8<sup>th</sup> July 1999.

95/01851/OUT - Residential development (outline), granted 23<sup>rd</sup> May 1996.

There are currently two enforcement investigations underway at the site. These relate to an alleged unauthorised change of use from residential to a mixed use including car sales

(our ref: 07/01493/ENFCOU) and alleged unauthorised construction of a building in the grounds (our ref: 07/01492/ENFUNA).

[The following application, currently under consideration, relates to adjacent land to the west: 08/02834/FUL - Residential development of two pairs of semi-detached dwellings and one detached dwelling]

**Unitary Development Plan (UDP):**

The site is unallocated on the Replacement Bradford Unitary Development Plan (2005) (RUDP). Relevant policies in the RUDP are:

UDP3 – Quality of built and natural environment

UR3 – The local impact of development

TM19A – Traffic management and Road Safety

D1 – General design considerations

NR16 – Surface water run-off and sustainable drainage

**Parish Council:**

NA

**Publicity and Number of Representations:**

The proposal was advertised by means of a site notices and letters to occupiers of adjacent and facing dwellings. Representations were requested by 11<sup>th</sup> April 2008. Three letters of objection have been received, one of which is signed by five residents of Hollin Croft.

**Summary of Representations Received:**

Residents of Hollin Croft raise concerns about the planning of another building at Stubbing House. They consider that a business may be being run from the premises given the presence of cars parked in the grounds and people viewing them. Concerns are raised about the safety of children using the playground adjacent to Stubbing House due to the traffic coming and going from there.

The two other letters both assume that the application relates to the existing building that has been built between Stubbing House and Hollin Road (currently under investigation under our ref: 07/01492/ENFUNA). One neighbour reports disturbance from noise due to work on cars and raises highway safety concerns.

**Consultations:**

Drainage: Separate drainage system required; development needs to take account of sewer crossing site.

**Summary of main Issues:**

Effect on the residential amenity of the area; relationship with Stubbing House; traffic safety; acceptability of proposed residential accommodation.

### **Appraisal:**

Planning permission for a detached garage with first floor flat was refused in December 2007 (our ref: 07/08656/FUL). Refusal was based on a concern that the proposal would have an overbearing impact on occupiers of the neighbouring property on Yew Tree Close due to height and massing of the proposed building and its position close to the shared boundary.

This current application attempts to respond to these concerns. Each of the main issues will now be considered.

#### Effect on the residential amenity of the neighbouring dwelling

The bulk of the proposed building has been reduced, and its position moved away from the boundary with the dwelling on Yew Tree Close. The width has been reduced from 7.5m to 6.8 m, the depth from 7.65m to 7.0m, the ridge height has been reduced by 50cm, and the building has been moved 2.2m further away from the shared boundary with 1 Yew Tree Close. At the nearest point, the building would now be located 5.5m from the well-screened boundary.

This degree of separation, the reductions in the bulk of the proposed building, and the position of 1 Yew Tree Close on higher ground, are considered sufficient to ensure that the proposed building would have no unacceptable impact on the amenities enjoyed by occupiers of the neighbouring dwelling, either resulting from an overbearing or enclosing relationship, or loss of sunlight and daylight.

Further, the proposed building has been designed without clear glazed windows in the rear elevation. Accordingly, there would be no overlooking of the adjacent garden area. Conditions would further control alterations at the building to ensure that no new windows were formed.

For these reasons, it is considered that there would be no adverse affect on the residential amenity of the neighbouring dwelling. Accordingly, the proposal is considered to comply with policies D1 and UR3 of the RUDP.

#### Relationship with Stubbing House

The proposed building would be located to the east side of Stubbing House at a slightly higher elevation, and set back from the front of the house by 1.5 metres. The form of the building would remain subservient to Stubbing House, and the natural walling and roof materials proposed would match those of the parent property. This visual relationship is considered to be appropriate and in line with RUDP policies D1 and UR3.

#### Traffic safety

The proposal would provide a domestic garage capable of accommodating two cars. Currently, no covered car parking exists on site. The provision of garaging, incidental to the enjoyment of the dwellinghouse, is acceptable in principle. A condition should be attached to any permission restricting the use of the garage for domestic purposes in order that it is not used for commercial purposes. With such controls in place, it is not

considered that the proposed garaging provision would be unreasonable or likely to lead to conditions prejudicial to traffic and pedestrian safety. As such, the proposal is considered to comply with RUDP policy TM19A.

#### Acceptability of proposed residential accommodation

The first floor residential element of the proposal is intended to be ancillary to the main dwelling and there are no intentions that it would form a separate dwelling. The applicant is content to accept a condition to this effect. As an extension to the residential accommodation at Stubbing House – which has adequate amenity and servicing space – this residential aspect of the proposal is considered to be acceptable. It is unlikely that the residential use would impact negatively on neighbouring land uses. Accordingly, this aspect is considered to comply with RUDP policies D1 and UR3.

#### Other matters

Separate drainage systems would be required to serve the development. In addition, a sewer crosses the site. Details will need to be provided to show how it is to be bridged or diverted satisfactorily. These matters can be controlled via conditions which would ensure that the development accords with RUDP policy NR16.

#### **Community Safety Implications:**

No problematic community and safety implications are foreseen as a result of the proposal.

#### **Conclusion:**

For the reasons noted above, and with the suggested conditions in place, it is considered that the proposal would represent appropriate development

#### **Reasons for Granting Planning Permission**

The proposal, with conditions, would represent an appropriate form of development that would not cause unacceptable detriment to the residential or general amenities of the area. Nor would it lead to conditions prejudicial to traffic and pedestrian safety. The proposal therefore complies with policies UR3, D1, NR16 and TM19A of the Replacement Bradford Unitary Development Plan (2005).

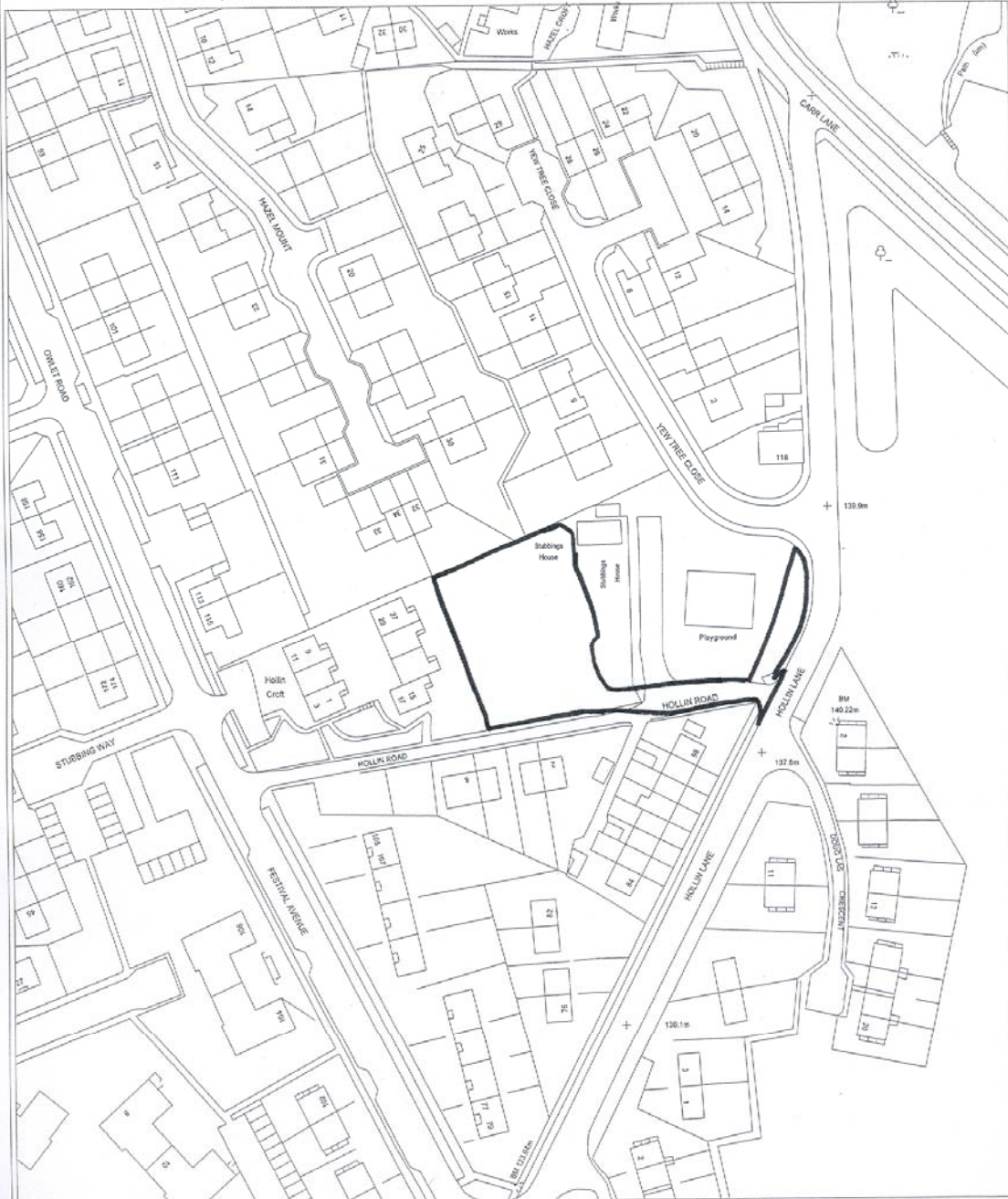
#### **Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby approved shall only be carried out in accordance with the amended plans numbered SR-556-1A and received by the Council on 1<sup>st</sup> October 2008, showing the dimensions of the reduced building and its relocation to a minimum of 5.5m from the shared boundary with Yew Tree Close  
Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows or other openings shall be formed in the building hereby approved without the prior written permission of the Local Planning Authority.  
Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with policies D1 and UR3 of the Replacement Bradford Unitary Development Plan (2005).
4. The development hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of Stubbing House for purposes incidental to the enjoyment of the dwelling house. No part of the development hereby approved shall be severed and occupied as a separate independent unit.  
Reason: To prevent the undesirable establishment of a separate independent unit or units in the interests of amenity and highway safety, and to accord with policies UR3 and TM19A of the Replacement Bradford Unitary Development Plan (2005).
5. The development shall be drained using separate foul sewer and surface drainage systems.  
Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided in accordance with policies UR3 and NR16 of the Replacement Bradford Unitary Development Plan (2005).
6. Prior to the commencement of development, details shall be submitted to the Local Planning Authority for approval showing the proposed method of bridging or diverting the sewer that runs through the site, and the development shall be carried out in accordance with the approved details.  
Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided in accordance with policies UR3 and NR16 of the Replacement Bradford Unitary Development Plan (2005).

# SHIPLEY AREA PLANNING PANEL

DATE  
11 December 2008



For reference only (Crown Copyright)

ITEM No. 12

LOCATION

Land at Stubbing House, HOLLIN ROAD, SHIPLEY



**DATE: 11 DECEMBER 2008**

**ITEM NO: 12**  
**WARD: WINDHILL & WROSE**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION**

**APPLICATION NUMBER: 08/02834/FUL**

**Type of Application/Proposal and Address:**

Full application for two pairs of semi detached dwellings and one detached dwelling on land at Stubbing House, Hollin Road, Shipley.

**Site description:**

A steeply sloping and overgrown parcel of land, being part of the former garden of the adjacent Stubbing House and located within a predominantly residential area. Levels fall steeply across the site from east to west. Located beyond the western boundary and at a lower level is a housing association development (Hollin Croft), the boundary with which is well screened by mature trees. To the north of the site are modern residential properties whilst two pairs of semi detached houses face the site across Hollin Road.

Access to the site is gained from a rough track known as Hollin Road, which leads from Hollin Lane. There is a playground at the junction of Hollin Road with Hollin Lane.

The site is not within a conservation area and contains no listed buildings.

**Relevant site history:**

- 07/00126/APPFUL - Erection of three pairs of semi detached dwellings, refused and appeal dismissed on 14<sup>th</sup> January 2008
- 05/07916/FUL – Erection of three pairs of semi detached dwellings, refused 8<sup>th</sup> May 2007
- 05/04756/FUL - Erection of three pairs of semi detached dwellings, deemed withdrawn 30<sup>th</sup> September 2005
- 03/03605/FUL - Construction of three pairs of semi-detached houses, withdrawn 6<sup>th</sup> July 2004
- 02/03220/OUT - Renewal of outline planning permission for residential development, approved 22<sup>nd</sup> October 2002
- 99/01382/OUT – Renewal of permission ref: 95/01851/OUT, approved 8<sup>th</sup> July 1999
- 95/01851/OUT – Outline residential development, approved 23<sup>rd</sup> May 1996
- 94/02882/OUT - Construction of eight dwellings (outline), refused 21<sup>st</sup> November 1994

**Replacement Unitary Development Plan (“RUDP”): Proposals and relevant policies**

The site is unallocated on the Replacement Bradford Unitary Development plan (2005) (RUDP). Relevant policies are:

- H5 – The Residential Development of Land
- UR3 – Local Impact of Development
- D1 – General Design Considerations

TM2 – Impact of Traffic and its Mitigation  
TM19A – Traffic Management and Road Safety  
NE5 – Retention of Trees on Development Sites  
NE6 – Protection of Trees during Development

Publicity, number of representations, and summary of representations received:  
The proposal was advertised by means of neighbour notification letters with an expiry date of 27<sup>th</sup> June 2008 and a site notice with an expiry date of 4<sup>th</sup> July 2008.

Three letters of objection have been received. Concerns can be summarised as follows:  
- Overlooking and overshadowing of properties at Hollin Croft and Hollin Road  
- Highway safety concerns (intensification of use of Hollin Road)

**Consultations:**

Drainage: No objection subject to separate drainage systems being provided within the site boundary and development being undertaken in such a way that overland surface water patterns are not altered to the detriment of adjacent landowners. Also that car parking areas are drained using road type gullies and the submission of details for proposals for dealing with any watercourses or culverts or land drainage systems being found during the course of construction and excavation.

Yorkshire Water: No objection subject to general drainage requirements. YW confirm that a combined sewer crosses part of the development and that the site layout is acceptable in providing the required 3 metre stand off distances. YW state that the stand off distance is maintained and dealt with in this instance by Requirement H4 of the Building Regulations.

Highways: No objection subject to conditions to ensure the access is constructed before commencement of development and that the proposed turning area is provided before use.

Trees: No objections subject to provision of protective fencing prior to commencement of work as shown in the supporting Arboricultural Survey and plan number 8016.A4 dated 07/04/2008.

Rights of Way: Suggest that pavements and signage be provided to improve highway and pedestrian safety. Also state the standard requirements ensuring that the footpath is not obstructed during the construction process.

**Main issues:**

The main issues to be considered in this case relate to i) the principle of development, ii) recent site history, iii) amenity considerations, iv) traffic and highway safety and v) impact on trees.

Appraisal:

Each of the main issues will now be considered in turn.

### Principle of Development

Outline application for residential development on the site has previously been granted and renewed on a number of occasions (see relevant site history for detail). As such the principle of development has already been established.

### Recent Site History

The application follows a refusal and dismissed appeal for a similar development on the same site (05/04756/FUL). The proposal then was for three pairs of semi-detached dwellings, and the resubmission aims to address the concerns raised by the Inspector in the subsequently dismissed appeal by increasing the distance between the proposed dwellings and number 2, Hollin Road. This has been achieved by reducing the number of units to five and amending the roof design of the property which would be closest to 2, Hollin Road.

The previously refused application was very similar and was refused for the following reasons:

*The proposal has failed to demonstrate that safe and level access, visibility, parking and turning arrangements can be achieved without leading to conditions harmful to highway and pedestrian safety contrary to policies TM2 and 19A of the Replacement Unitary Development Plan.*

*The proposed access will involve the loss and damage to protected trees contrary to the aims and provisions of Policies NE4 and NE5 of the Replacement Unitary Development Plan.*

*The proposed development will appear visually obtrusive and significantly impair the amenity and enjoyment of the houses facing the site on Hollin Road specifically numbers 2 and 4 contrary to the aims and provisions of Policies UR3 and D1 of the Replacement Unitary Development Plan.*

*The submission has failed to demonstrate how the steep gradient into the site can be accommodated and how it will be successfully graded into the existing access roads surrounding the site, contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.*

The inspector who dealt with the appeal of this refusal dismissed the appeal on two grounds, which were as follows:

*Plot 1 would be sufficiently close (12metres) to number 2 (Hollin Road) to give the proposal an overbearing appearance in the outlook from its windows, harmful to the living conditions of the occupants.*

*The proposed access passes over the root systems of two protected trees and lacks information regarding its likely impact upon them. The inspector's opinion was that the proposal would be likely to damage the health of the trees, contrary to RUDP Policy NE5.*

The resubmitted application is broadly based upon 05/04756/FUL although has been submitted with a full Arboricultural Survey to consider the impact of the proposal upon protected trees on the site. It has also deleted a dwelling to provide an increase in the

distances in order to improve the relationship between the proposed dwellings and existing properties 2 and 4 Hollin Road. The design of the roof on the unit, which would be closest to number 2 Hollin Road has also been amended to incorporate a hip.

#### Amenity Considerations

The proposed development would be constructed in natural stone with interlocking concrete tiles to the roof. As a result of the gradient of the site, the proposed dwellings would appear as dormer bungalows to their front elevations but two and a half storeys to the rear. It is considered that the proposed dwellings are of a design which would complement the area and not detract from the street scene.

In terms of residential amenity, it is considered that no issues regarding overlooking would arise. The proposed rear garden areas would be over twelve metres in length and a distance of twenty one metres from to the nearest windows located in the properties Hollin Croft. There is in addition, excellent screening provided by mature trees to the boundary with properties at Hollin Croft which are located at a lower level. There are no habitable room windows proposed for the side elevations of the proposed dwellings, therefore no overlooking of properties located on Hollin Road would occur.

The previous application was refused and the inspector at the subsequent appeal considered the relationship between the proposed development and number 2 Hollin Road would have resulted in an unacceptable impact upon the residential amenity of the occupants of number 2. That application showed the gable end of plot one to be a distance of 12 metres from number 2 Hollin Road. This application has increased that distance to over 15 metres. It also incorporates a hipped roof design to further lessen the impact upon the occupants of number 2 Hollin Road. It is therefore considered that the increased separation and amended roof design would address the previous concerns such that the living conditions of the occupants of number 2 Hollin Lane would be protected, in accordance with the aims of Policies UR3 and D1 of Bradford's Replacement Unitary Development Plan (2005).

#### Traffic and Highway Safety

Consultation response from the Councils Highways Engineer indicates that the proposal is considered acceptable. The scheme provides 11 parking spaces exceeding the required 1.5 spaces per dwelling required across a development and in line with policy TM12 of the RUDP. Suitable turning areas within the site are also provided accordingly it is considered that the proposal accords with the provisions of Policies TM2 and TM19A of Bradford's Replacement Unitary Development Plan.

#### Impact on Trees

The site contains a number of protected trees covered under two separate orders. The Councils Arboriculturalist has stated that the proposal would not have a detrimental impact upon trees providing it is undertaken as proposed in the accompanying tree survey and protective fencing is erected as shown in plan 8016.A4. Accordingly it is considered that the proposal accords with the provisions of Bradford's Replacement Development Plan (2005) Policies NE5 and NE6.

**Conclusion:**

For the reasons noted above, and despite the receipt of objections, it is considered that the proposal represents appropriate development that – with appropriate conditions – would adequately protect the residential, visual and general amenities of the site and the surrounding area. Accordingly, approval is recommended subject to the conditions set out below.

**Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

**Reasons for Granting Planning Permission**

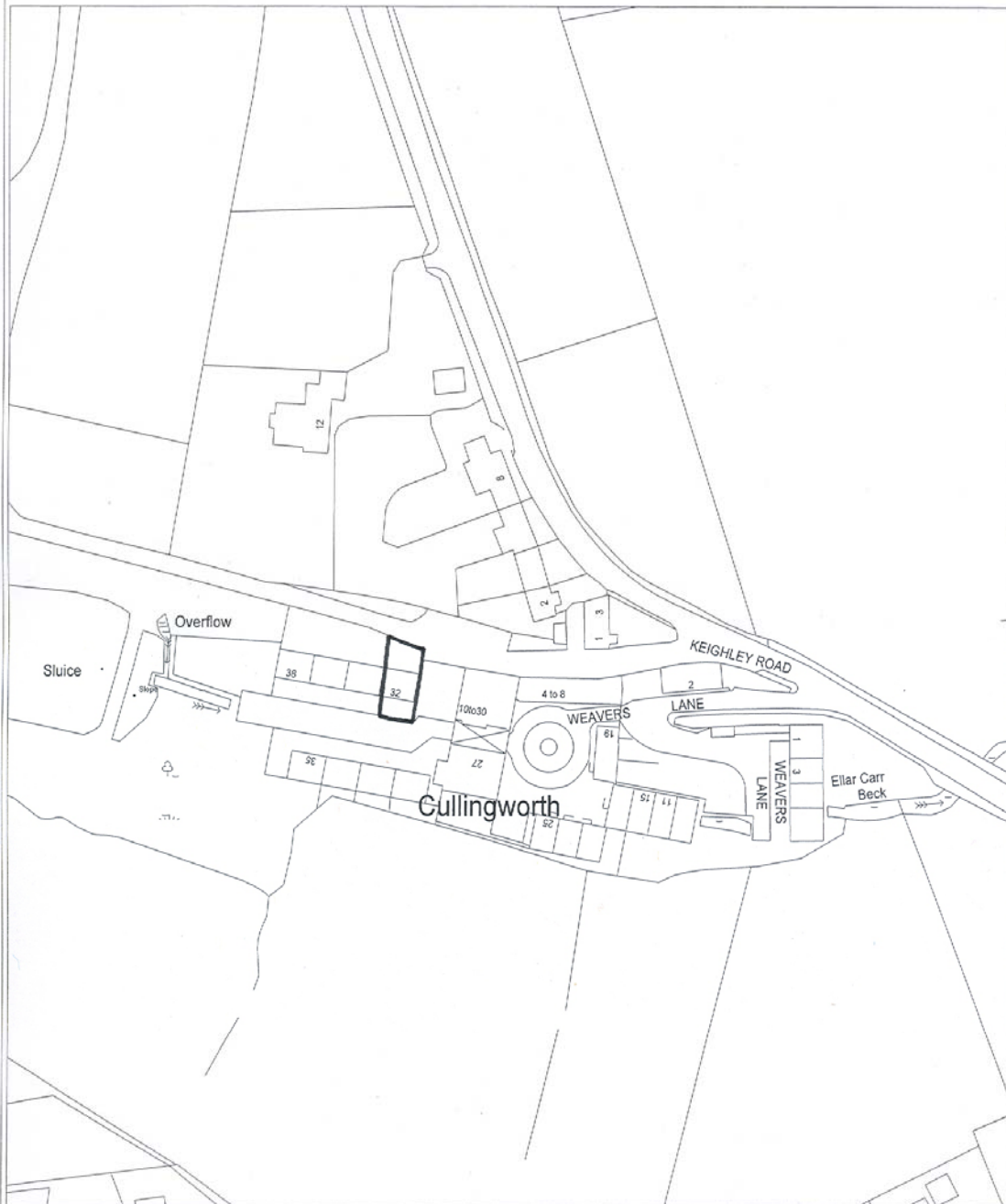
It is considered that the proposed dwelling is acceptable in terms of its impact on residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UR3, D1, H5, P4, TM2 and TM19A.

**Conditions of Approval:**

1. 3-year time limit on commencement of development.
2. Construct access before occupation.
3. Turning area provided before use commences.
4. Provision of domestic parking before use commences.
5. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
6. No piped discharge of surface water until details supplied and approved.
7. Details for means of disposal for foul and surface water drainage required and no buildings shall be occupied prior to completion of approved foul water drainage works.
8. No construction or development activities shall take place on site between the hours of 08.30-1600 Mon-Fri. No piling activities shall take place on Saturdays, Sundays, Bank Holidays and/or Public Holidays.
9. Trees – Protective fencing to be erected in accordance with Arboricultural Plan 8016.A4

# SHIPLEY AREA PLANNING PANEL

DATE  
11 December 2008



For reference only (Crown Copyright)

LOCATION

ITEM No. 13

32 WEAVERS LANE, CULLINGWORTH

D

**ATE: 11 DECEMBER 2008**

**ITEM NO: 13**  
**WARD: BINGLEY RURAL (3)**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION**

**APPLICATION NUMBER: 08/04540/FUL**

**Type of Application/Proposal and Address:** A retrospective application for the retention of works already carried out at 32 Weaver's Lane (off Keighley Road), Cullingworth. The works comprise landscaping of the rear garden area including the formation of an upper level terrace, provision of a stone wall and railings along the boundary with the adjoining property (number 34), and formation of a gated opening in the rear boundary wall giving access to Ellar Carr Road.

**Site Description:** A three storey end townhouse within the residential conversion at Ellar Carr Mills. The property fronts a large 'courtyard' area to the south. Levels rise steeply to the rear of the property where there is a small garden area. The rear boundary (north) adjoins Ellar Carr Road which is elevated approximately four metres above the rear garden level at number 32. The rear garden has been landscaped to include a stepped terrace so that the garden is on two levels. Additional stairs lead up to a newly formed pedestrian gated access in the boundary wall to the rear exiting onto Ellar Carr Road. Adjoining properties haven also constructed raised decked areas. The property is not within a conservation area and is not a listed building.

Relevant Site History:

08/04539/FUL - Retrospective removal of garage door (at front of property) and replacement with stone and windows (space incorporated into house), approved 27<sup>th</sup> November 2008.

00/01132/FUL - Construction of two 3-storey blocks incorporating eight dwellings and integral garages (substitution of previously approved blocks), approved 30<sup>th</sup> June 2000 (*Note: PD Rights were removed*).

99/01564/COU - Alteration to building to form three dwellings and alterations to parking layout, approved 30<sup>th</sup> July 1999.

95/01962/COU - Conversion of former textile manufacturing mill to residential use including demolition and partial rebuilding, approved 16<sup>th</sup> August 1995.

94/02957/FUL - Conversion to residential use, approved 9<sup>th</sup> February 1995.

**Replacement Unitary Development Plan ("RUDP"): Proposals and Policies**

The site is designated as greenbelt on the Replacement Bradford Unitary Development plan (2005) (RUDP). Relevant policies are:

GB5 – Extension and Alteration of Buildings in the Green Belt  
UR3 – Local Impact of Development  
D1 – General Design Considerations  
TM2 – Impact of Traffic and its Mitigation  
TM19A – Traffic Management and Road Safety

**Parish Council:**

Cullingworth Parish Council refer to a covenant to restrict and access/egress to Ellar Carr Lane. Concern has been raised that the access will lead to cars being parked in Ellar Carr Lane giving rise to highway safety concerns.

**Publicity and Number of Representations:**

This has been done via neighbour notification letters with an expiry date of 26<sup>th</sup> September 2008.

The Council has received one letter of representation objecting to the proposal.

Summary of Representations Received:

- Traffic and Pedestrian Safety
- Sets a precedent for adjoining properties

Appraisal:

This retrospective application seeks permission to retain a raised terrace and boundary wall in stone, replacing a fence to the boundary with the adjoining neighbours' rear garden, also stairs leading up from the newly formed raised terrace to a new pedestrian gated access onto Ellar Carr Road. The application has been submitted as a result of complaint received by the Council's Enforcement Team.

The main issues regarding the development relate to: i) residential amenity, ii) visual amenity, and iii) highway safety.

Each of the main issues will now be considered in turn.

i) Residential Amenity

The landscaping of the rear garden includes the replacement of a boundary fence with a stone wall with railings above.

The replacement boundary treatment has been constructed in stone which matches the dwelling. The wall and railings are similar in height to the fences which separate the boundaries to adjoining neighbouring properties rear gardens. As such, it is considered that the new boundary treatment does not introduce any significant overshadowing or dominating effect upon the adjoining number 34, over and above that which the previous boundary fence would have caused.



The landscaping works have included forming a stepped rear garden with an upper level towards the rear, approximately two metres above ground floor level. Whilst the raised terrace area does allow overlooking of neighbouring properties and their garden areas, these adjoining properties have similar arrangements with raised timber deck structures (erected without planning permission) and the arrangement appears to have been working satisfactorily. No representation has been received from near neighbours and no objection has been raised with regards to overlooking or overshadowing.

#### ii) Visual Amenity

The landscaping works in the rear garden areas are set within a private rear garden and are not readily visible from outside the site. As such it is considered that there is no significant impact on the character or appearance of the street scene. The application seeks to retain the new boundary treatment with the adjoining house and sections of walling to retain a raised terraced area. In visual terms the design and materials are considered sympathetic to their context in that they match the stone used in the block of townhouses. The only element of the works readily visible from outside the site is the gated pedestrian access to Ellar Carr Road. The access comprises a modest timber gate, commensurate in height with the stone wall within which it is set, and again considered appropriate in its context. Accordingly, for reasons noted above, it is considered that the works have no harmful impact in terms of visual amenity or street scene.

#### iii) Highway Safety

The sole objection received in connection with the application concerns a potential impact on highway safety, specifically on Ellar Carr Road. It is noted in the objection that conversion of the integral garage at the application site into additional residential accommodation (approved under separate application ref: 08/04539/FUL) could result in vehicles being parked on Ellar Carr Road by the occupants of number 32 who could use the newly-formed gate in the rear boundary wall for pedestrian access in to their property. Conversion of the garage has removed an off street parking space from 32 Weaver's Lane. However, there remains an area of block paving to the front of the property which would provide parking for at least three vehicles. Accordingly there is no reason to believe that the development has resulted in, or would in the future lead to, the parking of vehicles on Ellar Carr Road.

Ellar Carr Road is an unadopted highway. The parking of vehicles on the road is not, therefore, controlled by the Council. The Parish Council have suggested that there may be a covenant restricting the formation of new accesses to Ellar Carr Road. These matters are private, civil matters which need to be taken up between the interested parties.

Conclusion: The property, despite the conversion of its integral garage into additional domestic accommodation, retains sufficient parking provision to service its needs. There is no reason to believe that additional parking would occur within Ellar Carr Road as a result of the formation of the new pedestrian gated access in the rear boundary wall. The landscaping of the rear garden does not give rise to any issues regarding significant detriment to the residential or visual amenities of the area.

**Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

**Reasons for Granting Planning Permission**

It is considered that retention of the completed works is acceptable in terms of impact on residential and visual amenity and traffic safety and would acceptably accord with the provisions of RUDP policies UR3, D1, TM2 and TM19A.

**Conditions of Approval:** None required (works are complete).