

**REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE
MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON
12 FEBRUARY 2009**

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SUMMARY STATEMENT – PART THREE

Application recommended for refusal:

The site concerned is:

13 7 Westcliffe Avenue, Baildon

(Page 30) **Baildon**

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Portfolio
Environment and Culture

Improvement Committee Area
Regeneration and Economy

SHIPLEY AREA PLANNING PANEL

DATE
12 FEBRUARY 2009



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ITEM No. 13

LOCATION

7 WESTCLIFFE AVENUE, BILDON

DATE: 12 FEBRUARY 2009
ITEM No: 13
WARD: BAILDON
RECOMMENDATION: THAT PERMISSION BE REFUSED

APPLICATION NUMBER: 08/06767/OUT

The application needs to be determined at Panel due to interest declared by a Member of Council.

Type of Application/Proposal & Address:

An outline application for the construction of a detached house at 7 Westcliffe Avenue, Baildon, with all matters reserved. Although no drawn details of the house are included with the application, supporting correspondence confirms that “the house will be two storey and will have four bedrooms...the main aspects will be to the front and rear of the house...there will be no windows to habitable rooms on the side elevations...the materials for the walls and roof will be in keeping with the immediate area...there will be two car parking spaces to the front of the site”. Access would be from Westcliffe Avenue. The upper limit for the height of the proposed building is confirmed at 8.5 metres and the lower limit for the height will be 7.5 metres.

Site Description:

The site currently forms part of the garden area of 7 Westcliffe Avenue. It is a level rectangular parcel of land measuring 0.05ha. The street scene consists of mostly two storey detached dwellings of varying designs. Access to the site is gained from Westcliffe Avenue.

Relevant Site History:

07/09373/FUL: Construction of extension to front of property, approved 12th December 2007.
85/01092/FUL: Two storey extension, approved 15th March 1985.

Replacement Unitary Development Plan (RUDP) Proposals and Policies:

The site is unallocated on the RUDP. Relevant policies are:

UDP1: Promoting sustainable patterns of development

UDP3: Retraining Development

UR2: Promoting sustainable development

UR3: The local impact of the development

H5: Protecting Housing supply

H7: Density

H8: Density

TM2: Impact of traffic and its mitigation

TM12: Parking standards

TM19A: Traffic management and road safety

D1: General design considerations

National Guidance:

Planning policy statement 3 housing (PPS3).

Town/Parish Council:

Baildon Parish Council: No comment.

Publicity and Number of Representations:

The application was publicised by neighbour notification letter and site notice, with representations being requested by 24th December 2008. One letter of objection has been received,

Summary of Representation Received:

The objection can be summarised as follows:

- Concern the building foundations may result in an increase in the water table and result in flooding in the neighbour's garden.
- The windows in the rear elevation will result in overlooking to the neighbour's private amenity space.

Consultations:

Drainage: Separate drainage system required within the site boundary and the development should be carried out in a manner so as not to alter the overland surface water flow.

Summary of main issues:

The main issues relate to i) the principle of the development, ii) density, iii) highway safety, iv) residential amenity, v) visual amenity/trees, and vi) remaining matters.

Appraisal:

Each of the main issues will now be considered.

Principle of the development

The site is unallocated within the RUDP and the area is residential in character. The site forms the garden area of 7 Westcliffe Avenue. National planning guidance recognises garden areas as 'brownfield' or previously developed land.

National and local planning policy supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. An additional dwelling within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a 'brown field site' within the urban area and with access to existing infrastructure. As such, the principle of development is considered to be acceptable under RUDP policies UDP1 and UR2 of the RUDP.

Density

The proposed density is considered to be appropriate for this location given the constraints of the site and accords with policies H7 and H8 of the RUDP and guidance relating to density contained within PPS3.

Highway safety / Access

Access is a reserved matter. However, safe access / egress to the site needs to be shown to be available in order to establish whether the principle of developing the site for residential is acceptable. Given that Westcliffe Avenue is a cul-de-sac, vehicle speeds and numbers will be low. In this context, the turning circle and access shown on the site plan illustrate that no highway safety concerns are likely to result from the development which accords with policies TM2 and TM19A of the RUDP.

Residential Amenity

The site is surrounded by housing therefore issues of facing distances are of concern. Although the siting is reserved the local planning authority needs to be clear that a dwelling would not compromise the amenity of the neighbouring residents. In terms of the property to the rear of the site, No18 Westmoor Avenue, it is considered a two storey dwelling in the position shown on the site plan would result in overlooking at close quarters as it is just 6m away from the boundary. In order to address this issue the dwelling could be sited closer to Westcliffe Avenue giving a distance of 10.5m which is recommended in the Council's Revised House Extensions Document. However this new position

would result in an overbearing effect on 5 Westcliffe Avenue which is sited to the east of the proposed development. No.5 Westcliffe Avenue has two first floor windows facing the proposed dwelling and a ground floor kitchen window. In addition, 5 Westcliffe Avenue is sited approximately 1.5m lower than the development site which would increase the adverse affect of a two storey house on the site. A recent detached dwelling was built in the curtilage of 5 Westcliffe Avenue and amended plans were requested setting the house forward to achieve a distance of 10.5m to the neighbour's boundary. The main concerns with this proposal are therefore overlooking to the private amenity space of the property to the rear and the overbearing impact the proposed development would have on the occupants of 5 Westcliffe Avenue. For the above reasons it is considered that a two storey dwelling on the site would not be acceptable and would be contrary to policies UR3 and D1 of the RUDP.

Officers have advised the applicant that a single storey building would likely be acceptable. However, a decision is sought on the application as submitted, that is, with a two storey house.

In terms of the amenity of the future occupants of the proposed dwelling it is considered that the distance from 7 Westcliffe Avenue to the rear amenity space is bordering on what would be acceptable. The Council's revised House Extensions Policy Document recommends a distance of 10.5m. Although the distance would be about 7m, using the boundary shown on the plans, the rear amenity space beyond the 10.5m would be satisfactory to accommodate a sufficient amount of private amenity space in accordance with policies UR3 and D1 of the RUDP. It is considered that a detached dwelling can be accommodated on the site with sufficient private amenity space for the occupants.

Visual amenity

External appearance is not a matter applied for consideration at this outline stage. If the proposal were acceptable, conditions would be attached requiring that before development commenced detailed plans showing the elevations should be submitted and approved. The street scene has an eclectic mix of dwellings; there is no strong building line and it is considered that a dwelling on the site would not have a detrimental impact on the character and appearance of the area. Appearance would be assessed in further detail at the reserved matters stage.

Remaining Matters

Concern has been raised that the development may lead to an increase in surface water in the neighbouring property's garden. However surface water from the development would be positively drained to the sewer in Westcliffe Avenue. The Council's drainage officer has stated that the footings of any new dwelling would be unlikely to affect the water table.

Community Safety Implications:

There are no apparent community safety implications.

Conclusion and Reasons for Refusing Planning Permission:

The proposed development of a two storey dwelling on this restricted area represents an overdevelopment of the site, having regard to the council's approved residential guidelines. The proposal fails to meet these guidelines due to an unacceptable degree of overlooking of neighbouring dwellings being likely to arise, and a distance of 10.5m to the rear boundary of the site not being achievable without the proposed property having an overbearing impact on occupiers of 5 Westcliffe Avenue. As such, the proposal is contrary to policies D1 and UR3 of the Replacement Unitary Development Plan (2005).