

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 16TH JULY, 2015

1. **RB2015/0436 – Demolition of existing dwelling and erection of replacement dwelling at 5 Stafford Crescent, Moorgate, Rotherham for Firsure Ltd and Framecourt Ltd.**

Requested by:- Members of the Planning Board

Reason:- To allow Members to familiarise themselves with the overall layout of the site and the likely impact of the proposed development upon neighbouring properties.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2015/0436	Moorgate	9.10 a.m.	9.30 a.m.

Return to the Town Hall for approximately 9.45 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.10 a.m.)

Application Number	RB2015/0436
Proposal and Location	Demolition of existing dwelling and erection of replacement dwelling at 5 Stafford Crescent, Moorgate, S60 3DG
Recommendation	Grant with conditions



Site Description & Location

The application site is located on Stafford Crescent, a residential street forming part of a wider residential estate off Moorgate Road, Moorgate. Other dwellings within the locality are of a varied architectural design and scale.

The original property was a detached dormer bungalow which is positioned on a bend such that the front porch aligned with the principal elevation of the neighbouring property, No.3 Stafford Crescent while No.7 Stafford Crescent is positioned at an angle facing away from the site. Both No.3 and No.7 Stafford Crescent are two storey detached properties.

There was a linked canopy between the property and a detached flat-roofed garage and car port to the side.

Background

RB2014/1285 – Two storey side & single storey front extension and increase in roof height – Granted conditionally

During implementation of the above application, it was realised that it was going to be much more economical to actually demolish the building and rebuild it in accordance with the approved drawings rather than extend the existing house. The result will have the same external appearance but permission needs to be obtained as the previous permission was for an extension not a demolition and rebuild..

Proposal

The proposal is for retrospective consent to demolish the existing dwelling and garage and replace it with a two storey dwelling.

The building line of the property projects forward from the original building and would be in line with the neighbouring property at No.3. The proposed building would have a hipped roof comprising an eaves height of approximately 5.5 metres and a total height of approximately 7.8 metres.

There are no windows proposed on the side elevations of the property.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 – The Residential Environment

Other Material Considerations

SPG Housing Guidance 3: Residential infill plots

Technical Housing Standards – Nationally described space standard

South Yorkshire Residential Design Guide

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most

of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

The Core Strategy/Unitary Development Plan policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties.

6 letters of representation have been received and are summarised as following:

- There was no intention of erecting the extension as they demolished the property
- The new footings are set forward of the original property which would reduce the amount of natural light to the front of No.3
- The amenity area of the garden at No.7 would be severely overlooked by the top rooms (particularly the new room over the garage) and the dimensions of the footing suggest that the property would be nearer than originally specified
- The conditions imposed under RB2014/1285 should be upheld in particular condition 3 in relation to obscure glazing windows being fitted towards the boundary of No.7
- Two thirds of the proposed property will be built beyond the building line by 1200mm where all existing properties on the road are in keeping with the building line being of benefit of all residents and the outlook of the estate
- Working hours should be restricted to reduce the general disturbance and in the interest of highway safety
- It is impossible to complete the build on site as it leave no space for scaffolding without infringing No.3
- The site is too small to accommodate the proposed property of this size which will significantly affect the street-scene and adjacent residents.
- The rear garden does not meet the specified amenity area
- The positioning of the house means the drive will be insufficient for parking
- No.12 and 14 sited opposite the site have not been consulted
- Concern if the demolition work has followed bat survey recommendations

Consultations

Streetpride (Highways and Transportation): No objection subject to condition

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The application site is located within a residential area as allocated in the UDP. The proposal is of a residential nature and is therefore considered to be acceptable in principle.

The main issues to be considered in this application are:

- Impact on visual amenity of dwelling and streetscene
- Impact on residential amenity
- Highway safety
- Other matters

Impact on visual amenity of dwelling and streetscene

Despite the fact that the demolition of the property has already been carried out, the proposed replacement dwelling by virtue of its footprint, siting, scale, height and architectural design is identical to the previous approval for an extension to the original property under RB2014/1285.

The NPPG notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

The NPPF at paragraphs 17, 56 and 64 details how the Government attaches great importance to the design of the built environment and how good design is a key aspect of sustainable development which should contribute to making places better for people.

Core Strategy policy CS28 'Sustainable Design' seeks to ensure that all development make a positive contribution to improve the character and quality of the area by achieving an appropriate standard of design.

Bearing in mind that the site is between existing two storey dwellings, with two storey properties also located directly adjacent; the proposed two storey replacement dwelling would appropriately blend in with the locality. Furthermore, it is considered that the height of the property has taken into account the land level and the height of

the adjacent properties (No.3 and 7) and would not be an incongruous feature in the street-scene.

SPG Housing Guidance 3 'Residential Infill Plots' states the maximum ground area covered by the dwelling should be approximately 33% of the site area. Although the footprint of the proposed dwelling is slightly more than the original property due to the forward projection and being two storey in height, the dwelling is of same width as the original property (together with the outbuilding) and the private amenity space to the rear of the property remains the same as original. The footprint of the proposed dwelling is approximately 26.5% of the site area and it is considered that the proposed dwelling is of an acceptable scale and size that is proportionate with the site area.

The proposed design would include a dwelling with a hipped roof and a front facing gable. Such gable features are present within the locality where there is no set precedent in terms of architectural style or design. As before, a plan has been provided to demonstrate the resulting dwelling in context with nos. 3 & 7 Stafford Crescent, no. 7 of which is turned at an angle to the host plot given its position on the bend. Whilst the resulting dwelling would comprise a wider front facing elevation than no. 3 Stafford Crescent, it is considered that the site could accommodate a dwelling of this scale given the variety of designs within the area and the resulting dwelling achieving a good standard of design in terms of its character and appearance..

As such, it is considered that the proposal is of an acceptable design which ensures the development will comply with the requirements of the NPPF, NPPG, Core Strategy policy CS28 'Sustainable Development' and UDP policy HG1 'Existing housing area'.

Impact on residential amenity

The NPPF, at paragraph 17 states that: 'planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

The building line of the proposed dwelling would be aligned with the adjacent property, No.3 with the proposed building being approximately 7.4m away from that property. In addition, considering the siting of No.7 is positioned at an angle facing away from the application site and the property comprises no side facing windows and includes an attached side garage, it is considered that this forward projection of the dwelling would not have any adverse impact on any front facing habitable room windows or the amenity of No.3 and No.7 by way of overbearing and overshadowing.

SPG Housing Guidance 3: Residential infill plots indicates that 'any elevation situated less than 10m from a boundary with another residential curtilage should contain no habitable room windows at first floor level'.

Concerns have been raised from neighbouring occupiers regarding the potential for overlooking as a result of the raised height of the dwelling and inclusion of first floor windows. It is firstly noted that the first floor window toward the eastern boundary with no. 3 Stafford Crescent would serve a habitable room however it would

comfortably retain a 10 metre distance to the rear boundary and given its relationship with no. 3 Stafford Crescent would result in no overlooking or loss of privacy. Three central windows are proposed which would serve a bathroom/ensuite and are therefore considered to result in no detriment to privacy between properties. One window would however be positioned to the western side of the dwelling toward the boundary with no. 7 Stafford Crescent which would serve a habitable room and given the layout of the properties would be turned toward the rear boundary of no. 7 Stafford Crescent. As the window would fail to meet a 10 metre distance to the boundary, it is considered the window would have potential for overlooking the private rear amenity space to no. 7 Stafford Crescent. The window however will serve as a secondary window to the room and as the permission before it is considered necessary to impose a condition to ensure the window in question would be obscurely glazed and non-openable above 1.7m

The proposed property comprises of 4 bedrooms with the gross internal floor area of approximately 200 square metres (excluding the attached garage) which exceeds the requirement of the Nationally Described Space Standard for a 4 bedroom two storey dwelling should have a minimum gross floor areas of 97-124 square metres.

The SYRDG states private garden of three or more bedroom house should be at least 60 square metres. The garden space of the site is considered as sufficient as it would be approximately 160 square metres in size.

Taking all of the above into consideration, it is considered that the proposal is in accordance with paragraph 17 of the NPPF and meets the requirements of SPG Housing Guidance 3 and the spacing requirement and is therefore acceptable.

Highway safety

The proposed dwelling comprises of an attached garage with a parking area to the front of the dwelling that is 6.2m in length. The Highways Department have not raised any objections to this and it is therefore considered that the proposed development has sufficient parking provision within the site for the property of this size.

Other matters

The construction details including the erection of scaffolding are private matter between neighbours and not something that the planning system will control and the hours of construction work would be controlled by the Environmental Health legislation to which an informative is recommended for the applicant's attention.

In accordance with the Development Management Procedure Order the residents of the adjacent properties were notified directly by letter and an additional site notice was also displayed on the opposite side of Stafford Crescent.

The applicant has confirmed that the footing is set out as per original planning approval under RB2014/1285 which is the same as the proposed development and they have also confirmed that the demolition was carried out in accordance with the bat survey recommendations. The roof and all internal stud work was done by hand and there were no bats found during the demolition process.

Conclusion

Having regard to the above it is therefore concluded that the proposal would comply with the relevant paragraphs of the NPPF, policies of the UDP and Core Strategy and the guidance detailed within the SPG and SYRDG.

For the reasons detailed in this report the application is recommended for approval subject to the following conditions.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Proposed Plan – 14.2043.03B, Proposed Elevations and Section – 14.2043.04B)(received 02 April 2015)

Reason

To define the permission and for the avoidance of doubt.

02

No construction of the building above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Designs'.

03

The window on the rear elevation serving the first floor western bedroom (master bedroom) facing the boundary with No.7 Stafford Crescent shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

04

The building shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

shall be completed before the development is brought into use and shall be thereafter maintained.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 'Sustainable Designs'.

05

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

Informative(s)

Control of working practices during construction phase (Close to residential)

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site

operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.