

# ROTHERHAM METROPOLITAN BOROUGH COUNCIL

## PLANNING REGULATORY BOARD

### VISIT OF INSPECTION – THURSDAY, 6<sup>TH</sup> AUGUST, 2015

1. **RB2014/1614** – Erection of 3 No. detached dwellings at Land off Wath Wood Drive, Wath upon Dearne.

Requested by:- Members of the Planning Board

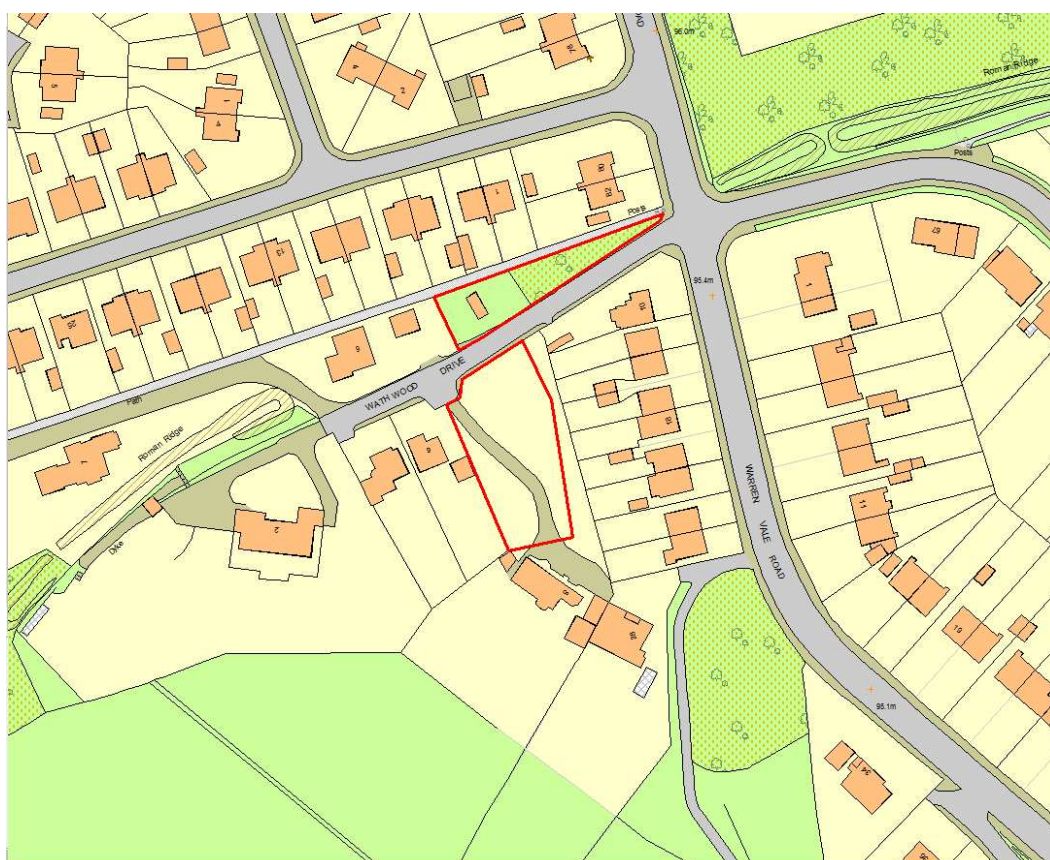
Reason:- To allow Members to familiarise themselves with the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the nearby amenity open space.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2014/1614	Wath upon Dearne	9.20 a.m.	9.40 a.m.

***Return to the Town Hall for approximately 10.00 a.m.***

## SITE VISIT NO. 1 (Approximate time on site - 9.20 a.m.)

<b>Application Number</b>	<b>RB2014/1614</b>
<b>Proposal and Location</b>	Erection of 3 No. detached dwellings at Land off Wath Wood Drive, Wath upon Dearne.
<b>Recommendation</b>	Refuse



### Site Description & Location

The application site consists of two parcels of land on Wath Wood Drive at Wath upon Dearne, one on the southern side and one on the northern side. Wath Wood Drive is accessed from Warren Vale Road and is a relatively narrow road serving a number of substantial properties which are typically set within relatively large garden areas.

The application site consists firstly of an area of land between No. 6 Wath Wood Drive and the rear elevation of properties that face on to Warren Vale Road and secondly an area of land on the opposite side of Wath Wood Drive which is roughly triangular in shape and lies adjacent to No. 9.

The site on the southern side of Wath Wood Drive is well kept and consists predominantly of lawned area and is intersected by the driveway to No. 8 Wath Wood Drive, a substantial detached dwelling which is set within extensive grounds and is in the ownership of the applicant. There is an existing hedgerow which runs along the rear boundary of properties on Warren Vale Road.

The site on the northern side of Wath Wood Drive contains a number of mature trees which are sited along the boundary with Flintway. The site is somewhat overgrown and appears to be unused. It is currently secured by temporary fencing.

Residential properties surround the application sites and consist of predominantly two storey properties primarily of traditional design and constructed from brick.

## **Background**

RB2015/0671 – Erection of 2no. dwellinghouses with detached garages opposite-undetermined

## **Proposal**

This application seeks planning permission for the erection of three detached dwellinghouses. It is proposed to erect two dwellings on the site to the southern side of Wath Wood Drive and one dwelling on the triangular piece of land to the north of Wath Wood Drive. A new vehicular access to No. 8 Wath Wood Drive (also within the ownership of the applicant) is proposed along the eastern boundary of the site (to the rear of properties on Warren Vale).

### Plot One

Plot One is sited adjacent to No. 6 Wath Wood Drive and is a substantial detached dwelling, designed with a hipped roof. The dwelling is a modern design and has a feature front projection with floor to ceiling windows, bay window feature and render panels. To the rear there is a single storey orangery. There are also roof lights to both side and rear elevations. The overall height of the dwelling is 8 metre and the dwelling has a footprint of 9.5 metres by 12 metres (excluding the orangery).

### Plot Two

Plot two is sited directly adjacent to Plot One and is also two storeys in height, the design is similar to Plot one but has a double height bay window feature and canopy over the entrance door. There is also an orangery to the rear elevation and feature chimney. The dwelling is approximately 7.8 metres in height and has a footprint of 8 metres by 12 metres (excluding the orangery).

### Plot Three

Plot Three is sited close to the front boundary of the site with Wath Wood Drive and is a modern designed dwelling with a dutch hipped style roof. The dwelling is single storey but has a high eaves level and dormer windows to both the front and rear.

There is also a single storey projection to the side. The fenestration is irregular within the elevations and there is a proposed chimney to the side elevation.

The proposed dwelling measures 10m x 5.8m with the single storey off shot projecting a further 3.5 metres.

### **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):

CS1 'Delivering Rotherham's Spatial Strategy'  
CS7 'Housing Mix and Affordability'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
HG5 'The Residential Environment'  
ENV3.2 'Maintaining the Character and Quality of the Environment'  
ENV3.4 'Trees, Woodland and Hedgerows'

### **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 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 states that "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 Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Adopted Supplementary Planning Guidance (SPG) Housing Guidance 3: Residential Infill Plots

The Council's Minimum Parking Standards (adopted June 2011)

## The South Yorkshire Residential Design Guide

### Publicity

Neighbouring properties were notified in writing and a site notice has been posted at the site. 14 letters of objection have been received. The issues raised are summarised below:

- The development is out of scale and overbearing in regards to the houses currently on Flintway and Warren Vale Road;
- The development will impact on the wildlife in the area with the loss of greenspace and trees.
- The site of Wath Wood Drive has already been developed, in the main, sympathetically but Plot 3 is a small plot with a large house;
- The development will increase noise and disturbance to existing residents;
- Wath Wood Drive is a narrow road with no vehicular turning, further development will add to an existing issue where turning in driveways is a nuisance to residents;
- The access on and off the main road is already difficult particularly when another vehicle is turning into Wath Wood Drive, the development will add to this hazardous situation;
- The removal of trees which are protected by a Tree Preservation Order is unacceptable;
- Felling of a number of the trees and retaining some of them could weaken the remaining trees which could be damaged in strong winds and cause damage to neighbouring properties;
- The size and scale of the proposed dwellings is out of scale with existing houses on Wath Wood Drive;
- The proposed materials of construction for the dwellings and the boundary treatment is out of character with existing boundaries on Wath Wood Drive;
- The plans are deceiving in terms of distance and presence of trees;
- The proposed development will overlook existing residential properties and result in overshadowing;
- There should be no access to the site directly from Warren Vale Road;
- There is a roman ridge near to the site which has not been taken into account;
- The drains on Wath Wood Drive already struggle in times of heavy rain and the proposed additional houses would add to this existing problem.

### Consultations

Streetpride (Tree Service Manager) – objects to the proposed development;  
Streetpride (Ecologist) – The proposed development would have an overall adverse impact on the natural environment;

Streetpride (Transportation Unit) – No objection subject to conditions;

Streetpride (Public Rights of Way) – No objection;

Neighbourhood and Adult Services (Land Contamination) – no objection subject to conditions;

South Yorkshire Archaeological Service – no objection subject to conditions;

Yorkshire Water – No objection subject to conditions;

## 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 main considerations in the determination of this application are:

Principle  
Layout, design and Visual Amenity  
Residential Amenity  
Highways Issues  
Impact on Trees  
Other Considerations

### Principle

Paragraph 14 of the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate that development should be restricted."

Paragraph 47 of the NPPF requires that local authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing.

Paragraph 49 of the NPPF adds that: "...housing applications should be considered in the context of the presumption in favour of sustainable development."

UDP Policy HG4.3 states that: "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i)

location within the existing built up area and compatibility with adjoining uses, and (iii) compatibility with other relevant policies and guidance.”

The site is allocated for residential use within the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the borough. It is considered that given the sites location within the built up area of Wath, which is in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development.

### Layout, design and Visual Amenity

With regard to layout considerations, UDP Policy HG5 ‘The Residential Environment’ encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF.

This is further underpinned by Core Strategy Policy CS28 ‘Sustainable Design’ which states that “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings with a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

Paragraph 56 of the NPPF notes that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

The proposed dwellings on Plots 1 and 2 are relatively modern design properties which are considered to have retained some of the more traditional elements of the properties which are currently evident in Wath Wood Drive. Both of the plots have been designed with a hipped roof form, bay window feature, chimneys and regular fenestration to the front elevation. The footprint of the proposed dwellings on Plots 1 and 2 are sizeable, however, Wath Wood Drive is characterised by detached properties of varying ages and many of the existing dwellings are large properties standing within large garden areas. Plot 2 also has a proposed garage which sits to the front of the dwelling, however, bearing in mind that the proposed garage building is of a relatively small scale and single storey in height it is not considered that it would be materially detrimental to the street scene.

The proposed dwellings do include modern features and overall do not seek to be a pastiche of the existing more traditional dwellings within Wath Wood Drive, however, it is considered that they are of a high quality design and would be appropriate in terms of their siting and design given the varied nature of the existing street scene.

Plot 3 is an individual designed dwelling which has been sited in an attempt to overcome issues relating to the impact on protected trees lying along the boundary with Flintway. The footprint of the dwelling now sits very close to the highway on Wath Wood Drive and the design of the dwelling is unusual in terms of its irregular

fenestration, varying roof form and high eaves level and lack of any traditional architectural features. Whilst there are varying forms of design and architecture evident on Wath Wood Drive it is considered that the proximity of the proposed dwelling on Plot 3 to the highway together with its design would have an unacceptable overdominant impact on the street scene. The dwelling is considered to pay no respect to the form and design of the existing dwellings along Wath Wood Drive and it considered to be of a poor design which would not contribute in a positive manner to the built environment.

Overall, therefore it is considered that Plots 1 and 2 are of an appropriate scale, design and layout in relation to the street scene and taking account of their design it is considered that they would contribute in a positive manner to the street scene and built environment. This part of the proposed development is therefore considered to accord with the principles set out in the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

However, Plot 3 is considered to represent an inappropriate form of development due to its proximity to the highway boundary and its poor form of design which does not respect the siting, form or design of the dwellings which sit adjacent to the site. Plot 3 is therefore considered to be contrary to the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

### Impact on Residential Amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to plan, a set of core land-use planning principles should underpin both plan-making and decision taking. These 12 principles are that planning should (amongst others):

- Always seek... a good standard of amenity.”

As noted above, the inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) – Housing Guidance 3: Residential Infill Plots, which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing a habitable room window should be located within 10 metres of a boundary with another property.

The SYRDG further advocates the use of these separation distances for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings. It also sets out minimum internal spacing standards.

The proposed layout shows that both internal and external spacing standards which are set out within the South Yorkshire Residential Design Guide are achieved by the development. Plots 1 and 2 are set within substantial plots which ensures that they do not exceed the recommended building footprint to plot size ratio which is set out in the SPG3.

However, it is considered that due to the protected trees which lie on the boundary adjacent to Plot 3, this garden area will realistically not be usable as meaningful



private amenity space due to the overshadowing and potential for branch drop from the existing trees.

In terms of separation to neighbouring properties, the proposed development achieves the minimum spacing standards. The side elevation of Plot 2 has a separation of approximately 24 metres to the rear elevation of the properties on Warren Vale and the proposed rear elevation of Plot 3 sits approximately 23 metres from the rear elevation of existing dwellings on Flintway.

Furthermore, whilst Plots 1 and 2 are large in terms of their footprint, the elevations would not come within 45 degrees of the windows in the rear elevation of the nearest neighbouring property at No. 6. This neighbouring property (No. 6 sits approximately 6 metres from the proposed side elevation of Plot One and has an existing garage building which will also provide additional screening.

Overall, it is not considered that the proposed development would result in a materially adverse impact on the amenity of neighbouring properties. The external and internal spacing standards are achieved for all 3 plots, however, it is considered that the proposed private amenity space for Plot 3 would be unacceptable due to the likely effect of severe overshadowing and disturbance due to the presence of large mature trees along the whole of the boundary with Flintway.

### Highways Issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel' promotes new development in highly accessible locations such as town centres.

The site is considered to be within a sustainable location where there is good access to a range of transport modes. The proposed level of car parking is also considered to be appropriate as it complies with the Council's minimum parking standards. A new access is proposed to the existing dwelling at No. 8 Wath Wood Drive and this is considered to be appropriately located and acceptable in highway safety terms.

The proposed development is considered to accord with the above mentioned policy and would not have a detrimental impact on highway safety.

### Impact on Trees

UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows' states that: "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough."

In addition paragraph 118 of the NPPF states that:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland

and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;...”

Whilst the amended plans do not show any existing trees to be removed to accommodate the development and the proposed new dwelling is now sited outside of the recommended Root Protection Area there are concerns regarding the medium to long term impact on the protected trees which lie along the majority of the eastern boundary of Plot 3 due to increased pressure for them to be free of any defects. The likely impact of the presence of a large number of trees within such close proximity of a residential dwelling is considered to be likely to result in a pressure for trees to be severely pruned or removed. In this instance any adverse impact on local amenity that results from the removal of trees may be permanent due to the lack of space to plant similar large growing forest type trees to provide future amenity. Furthermore, the loss or severe pruning of these trees would be materially detrimental to the biodiversity of the locality.

It is therefore considered that the proposed development at Plot 3 would be unacceptable and contrary to the NPPF and UDP Policy ENV3.4.

## **Conclusion**

In conclusion it is considered that the principle of residential development is acceptable within this location and that the design, layout and scale of Plots 1 and 2 are acceptable and meet with relevant policies. However, the design, form and scale of Plot 3 is considered to be unacceptable and would have a detrimental impact on the existing street scene and built environment and would therefore be contrary to the above mentioned policies.

In terms of amenity, it is not considered that the development would have a significant material impact on the amenity of neighbouring properties and Plots 1 and 2 are afforded sufficient private external amenity space. In relation to Plot 3 it is considered that the presence of mature trees along the whole of the eastern boundary of the site would result in overshadowing of the garden and render a significant proportion of it unusable. In this regard there are also significant concerns regarding the proximity of the dwelling to the mature trees and the likely impact on the prospect of the trees in relation to the pressure for them to be felled or severely pruned with no reasonable prospect of replacement planting.

In highway safety terms the proposed development is considered to be in a sustainable location and the level of proposed car parking is appropriate, as is the proposed new access to No.8 Wath Wood Drive.

## **Reason for Refusal**

01

The Council considers that the design, scale and form of Plot 3 and the siting of the building, directly adjacent to the highway would be out of keeping with the character of the street scene of Wath Wood Drive and would be materially detrimental to the

built environment contrary to UDP Policy HG5, Core Strategy Policy CS28 and the NPPF.

02

The Council further considers that due to the proposed siting of Plot 3 in close proximity to a large number of mature trees, which are protected by a Tree Preservation Order, there would be an unacceptable impact by way of overshadowing of private amenity space and the dwelling itself. The medium to long term future prospects of these trees would be endangered due to the pressure to fell or severely prune as a direct result of the proximity of the dwelling with no reasonable potential for replacement planting. The loss of the trees would be materially detrimental to the amenity of the locality and to the biodiversity of the area. The proposed development is therefore considered to be contrary to the South Yorkshire Residential Design Guide, UDP Policy ENV3.4 and the NPPF.

### **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 not submitted on the basis of these discussions. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.