

# PLANNING APPLICATION NUMBER:P14/1654

Type of approval sought	Full Planning Permission
Ward	Upper Gornal & Woodsetton
Applicant	Mr K. Clair
Location:	<b>LAND AT REAR OF 1 &amp; 3, MONS HILL, (OFF DAWLISH ROAD), DUDLEY, WEST MIDLANDS, DY1 4LT</b>
Proposal	<b>ERECTION OF 3 NO. DWELLINGS (RETROSPECTIVE) WITH NEW PARKING (RESUBMISSION OF REFUSED APPLICATION P14/1113)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

- 1 The application site relates to a plot of land measuring 0.19 hectares. Access to the site is made from Dawlish Road off a bridleway (suitable for pedestrian and vehicular traffic). The bridleway serves existing dwellings at Mons Hill and connects with a public right of way onto the Mons Hill/Wrens Nest Nature Reserve. A branch from the bridleway will serve this planning application site.
- 2 The bridleway provides access onto the Mons Hill/Wrens Nest linear open space. Mons Hill and Wrens Nest are subject to both local and national planning protection designations. The access to the land rises as it climbs south west towards Mons Hill. The site is afforded some screening by trees to the north and east of the site. To the west is a development of three detached houses at a higher level and to the south is a recently completed detached house to the side of the original Mons Hill Cottage. To the north the land is undeveloped and the site commands views over this open land which is designated as a Local Park. Beyond the site the land levels fall sharply away towards houses to the north in Woodsetton Close.
- 3 The site previously formed part of the original site of No.1 Mons Hill Cottage which contained a house and some kennelling. Over the past five years planning

applications have been submitted and approved for the erection of 4 dwellings on that site. The dwelling (3 Mons Hill) immediately adjacent to Mons Hill Cottage has been fully constructed and is occupied. The other Plots: Nos.2, 3 and 4 are located at 90 degrees to No. 3 and have a separate access to the side of this dwelling. Of these plots indicated on the location plan, Plot 2 is complete however Plots 3 and 4 are at different stages of construction.

- 4 The land forms part of the urban fringe and is characterised by sporadic development with important links being provided between urban and rural areas with the land extending up towards Mons Hill Nature Reserve and open land to the south.

## PROPOSAL

5. This is a part retrospective planning application for the erection of 3 detached dwellings (Plots 2, 3 and 4) which has been submitted after the refusal of planning application P14/1113, following a Committee site visit on 10<sup>th</sup> September and the authorisation of Enforcement Action against plot 4, relative to deviations from the approved development (Planning application reference P12/1233).
6. The deviations to the previous approval were as follows:
  - A. Increase in the finished floor levels of the houses:
    - Plot 2 has been constructed 0.25m higher than previously approved,
    - Plot 3 has been constructed 1.02m higher and
    - Plot 4 has been constructed 1.8m higher.
  - B. House type changes including the omission of integral garages to all plots and a change in roof height to all plots.
  - C. Roof details showed attic trusses being used that would allow for accommodation to be formed in the attic space. This has had an impact of increasing the overall height of the dwellings by approximately 1.5 metres. The overall height of the approved dwellings was approximately 7.5 metres with the 'as built' dwellings being approximately 9 metres in height. This was in addition to the increase in the ground level height.

- D. Parking layout amendments showed that external vehicle parking spaces were being provided across the frontages of all three of the plots.
- E. The indicated access road, in conjunction with the indicated frontage car parking areas would not be capable of accommodating vehicles reversing off the driveway of plot 3 and being clear of trees that were to be retained as part of the development.

- 7. The current application seeks to maintain plot 2 in its current form as a three bedroom house, having no integral garage and two frontage car parking spaces. The house was built at a level 0.25m higher than approved and with a steeper roof pitch giving an overall roof ridge height, 1.14m higher than that approved.
- 8. Plot 3 is proposed to be maintained as a three bedroom house with no integral garage and with a frontage garden, rather than frontage car parking which is inoperable in this location, given the proximity of trees to be retained. Two car parking spaces are now located to the side of the dwelling at the end of the access turning head. The house was built at a level 1.03m higher than approved and is proposed to be completed with the same roof pitch as originally approved. The plot will therefore have an overall roof ridge height 1.03m higher than that approved.
- 9. Plot 4 is now proposed to be a three bedroom dormer style house with no integral garage and with a frontage garden. Two car parking spaces are located at the head of the access drive which is located in front of the dwelling. The house was built at a level 1.80m higher than approved and is now proposed to be completed with an asymmetric roof pitch containing dormer windows to the front and rear. The reduced height of the dwelling means that the plot will have an overall roof ridge height 0.1m higher than that originally approved. Dormer windows in the rear and facing towards the dwelling at the rear will serve bathroom accommodation and be obscure glazed to prevent inter-visibility and loss of privacy.

10. The site access drive has been revised to accommodate service vehicles and manoeuvring whilst having an alignment and construction that will ensure the retention of trees adjacent to its route. Additional tree planting is proposed adjacent to, and at the head of the access drive, with replacement tree planting in rear gardens and hedgerow planting to the side of plot 4. Revised plan KC/14/101 A indicates the raised area of land to the side of this plot to be chamfered down adjacent to the boundary. Revisions have also been undertaken to the roof pitch and the size and location of the dormer windows.

## HISTORY

11.

APPLICATION	PROPOSAL	DECISION	DATE
CC/78/2698	Detached House And Garage.	Refused	14/12/78
81/51834	Erection Of One Bungalow And Garage.	Granted	3/11/81
83/52137	Use Of Garage As Office	Refused	11/11/83
P08/1071	Erection of 4 No. 3 bedroom detached dwellings with garages	Refused	20/08/08
P09/1030	Erection of 4 no. dwellings (Resubmission of refused planning application P08/1071).	Granted	03/11/09
P12/0258	Erection of 1 dwelling (part retrospective)	Granted	19/06/12
P13/0094	Single storey side extension at 3 Mons Hill	Granted	27/03/13
P13/0190	Erection of 3 dwellings (part retrospective).	Refused	01/07/13
P13/1233	Proposed 3, 3 bedroom dwellings and garages	Granted	29/10/13

P13/1233/C1	Discharge of Conditions 3, 4, 5, 7, 8, 10, 11, 12, 13 and 15.	Approved	23/01/14
P13/1233/C2	Discharge of Conditions 7, 10, 11 and 12.	Approved	04/07/14
P14/1113	Erection of three houses (Retrospective)	Refuse and Enforce	10/09/14

Application P14/1113 was refused for the following reasons;

1. The combination of the artificial increase of height of the land and the increase of height of the dwellings by up to 3.3m over dominates both the site, neighbouring land and properties. The development fails to preserve the distinctive character of Mons Hill, contrary to the Council's New Housing SPD and Black Country Core Strategy policy ENV 2 & SO2 and DD4 of the saved UDP.
2. The revised scheme with the omission of the garages will result in an inoperable, parking dominated frontage, with a lack of front garden landscaping or suitable enclosure, hedgerows, or front boundary treatments, to the detriment of the visual amenity of the locality which would fail to preserve the distinctive character of Mons Hill, contrary to the Council's New Housing SPD and Black Country Core Strategy policy ENV 2 & SO2 of the saved UDP.
3. The proposed site layout, design and levels would not provide sufficient distance between the rear facing habitable room windows of Plot 7 and 9 Mons Hill and the private rear amenity space and windows of the adjacent dwelling, which would be detrimental to any potential occupier's privacy and residential amenity, by reason of overlooking, unduly constrained outlook and overbearing impact, contrary to PGN 3, New Housing SPD and DD4 of the saved UDP.

## **PUBLIC CONSULTATION**

12. Notification letters have been sent to the occupiers of 28 neighbouring properties and the application has also been advertised with a site notice.
13. At the time of writing the report no objections had been received however the consultation period does not expire until the 17th December. Any comments received will be reported to Members in a Pre-Committee note.

## OTHER CONSULTATION

14. Group Engineer (Highways): No objections to submitted plans.
15. Head of Environmental Health and Trading Standards: No objections.
16. Coal Authority: No Objections.
17. National Grid: National Grid apparatus in the form of a high pressure gas pipeline is located in close proximity to the development which has been taken into account with the siting of the development and formation/capping of the access road.

## RELEVANT PLANNING POLICY

18. National Planning Policy Framework (NPPF) (2012)

The NPPF sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

19. Black Country Core Strategy (2011)

- CSP1 The Growth Network
- CSP3 Environmental Infrastructure
- CSP4 Place Making
- TRAN2 Managing Transport Impacts of New Development
- ENV 1 Nature Conservation
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality

20. Saved Unitary Development Plan (2005)

- DD1 Urban Design

- DD4 Development in Residential Areas
- NC5 Site of local Importance for Nature Conservation
- NC1 Biodiversity
- NC6 Wildlife Species
- NC9 Mature Trees
- SO6 Local Park
- SO2 Linear Open Space

21. Supplementary Planning Documents

- New Housing Supplementary Planning Document
- Parking Standards Supplementary Planning Document

## ASSESSMENT

22. The main issues remain as
- Principle
  - Design and Character
  - Residential Amenity
  - Access and Parking
  - New Homes Bonus
  - Trees

Principle/Policy

23. When the previous planning application P09/1030 was approved, the whole site constituted 'previously developed land' (PDL) in accordance with the then extant definition as the site formed garden land at No. 1 Mons Hill and its associated kennels.
24. The principle of the erection of dwellings on this site is considered to have been established with the previous permissions and is a material consideration when considering the current proposed development.

25. However, whilst the principle of the development may be established, the form and character of these dwellings in this urban fringe location, and their impact on the occupiers of neighbouring residential properties remains an important consideration.

### Design and Character

26. The site is located within an area classified within the New Housing SPD as 'Rural Fringe' which is also close to the outer suburbs and open land. The context and character of the Rural Fringe is described within the SPD as comprising predominantly single family residential properties within the landscape. The building line and frontage treatment should comprise varying front and side set back with lawns and hedges. The buildings are generally 1 or 2 storey and are set within parks, green belt and green wedges with a typical density between 15 and 30 dwellings per hectare (dph).
27. The SPD general development and guidance criteria states '*frontages should be private with gated large front gardens. The dwellings should be no higher than the surrounding development. There should be no buildings forward of the existing building line. Density of proposed new build should be between 15-30 dwellings per hectare*'.
28. The density of the dwellings would continue be 17 dph, which would accord with the New Housing SPD guidelines for rural fringe areas.
29. The previous approval (P13/1233) addressed earlier concerns relating refused application P13/0190 as the dwellings had been reduced in scale to two floors and 3 bedrooms (a reduction from 4/5 bedrooms) thus reducing the requirement for parking provision at the site from 9 spaces to 6 spaces and providing for a frontage which was less dominated by car parking.
30. The lower roofline of the approved scheme (approximately 7.5m) reduced the scale of the dwellings and their impact upon dwellings fronting Mons Hill and upon the setting of the development. The reduced level of parking helped increase the amount of landscape that was then provided to the frontage of the dwellings. This

acted to break up the expanse of hard surfaced areas which would otherwise have resulted in the parking areas merging with the new access road and turning area.

31. The recently refused scheme again demonstrated unacceptable 'in principle' characteristics that are considered to be addressed by a reduction in the scale of the development (plots 3 and 4) and the significantly revised access arrangements in conjunction with revised car parking arrangements and landscaped front gardens, again to plots 3 and 4.
32. The reduction in the height of Plot 4 to within 0.1m of the ridge height of the previous approval is considered to have addressed the cumulative impacts of increased ground levels and roof height on adjacent land and property. The design of the roof and dormer elements of plot 4 has been the subject of revision, which is now considered to be of an acceptable appearance overall.
33. It is therefore considered that the development proposed would not now have an adverse impact upon the character and amenities of the area and that it would therefore accord with Policy ENV2 & 3 of the BCCS, Policies DD1 & DD4 of the adopted Dudley UDP (2005).

#### Residential Amenity

34. The dwellings have been constructed on made up land that has increased the floor level of the dwellings between 0.25 and 1.8m above the levels previously approved.
35. No.8 Mons Hill is situated at the rear of the application site and is located side-on to the proposed dwellings. As a consequence the rear elevations of both Plots 3 and 4 face towards the rear amenity area of that property. A boundary wall has now been completed to the side of 8 Mons Hill that will limit significant overlooking from Plot 3.
36. The dwelling being constructed at Plot 3 is situated a minimum of 9.5 metres from the rear boundary and the dwelling at Plot 4 is within 7.5 metres of the boundary.

37. Due to the reduced height and revised design of plot 4 to a dormer house with only bathroom accommodation at first floor facing the rear, the overlooking of the property to the rear will be prevented. Conditions will also preclude future extensions or the insertion of additional window openings in these dwellings.
38. It is therefore considered that the development would not result in an unacceptable impact on the privacy and amenities of the occupiers of the neighbouring residential property, contrary to Policies DD1 & DD4 of the adopted Dudley UDP (2005).

#### Access and parking

39. Access to the site is via a surfaced single track bridle way which runs from Dawlish Road. The application is for three, three bedroom dwellings, with each dwelling having two external car parking spaces in an accessible location. The revised line and form of construction of the access will maintain the presence of trees and accommodate the safe access and manoeuvring of service vehicles.
40. It is considered that no detrimental impact would arise as a result of the proposal in terms of parking and highway safety in the locality, in compliance with saved UDP Policy DD4 and also with the provisions of the Parking Standards Supplementary Planning Document which relate to public safety.

#### Trees/Landscaping

41. There are trees on site but the majority are outside the boundary of the site forming the north eastern boundary. Here the land slopes down to the existing brewery sit and the trees are fairly mature. Some spoil is still deposited on this land near to the tree base, but the construction method and line of the access will not prejudice the health of these trees. Additional tree planting is indicated adjacent to and at the end of this access and also in rear gardens as replacements for those trees which were supposed to have been retained. Hedgerow planting adjacent to plot 4 will soften the appearance of the boundary with the Local park.

## New Home Bonus

42. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application.
43. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
44. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
45. This proposal would provide 3 houses generating a grant of 3 times the national average council tax for the relevant bands per annum for 6 years.
46. Whilst this is a significant sum of money the planning merits of the proposal are unacceptable in any event and therefore this is not accorded significant weight.

## **CONCLUSION**

47. The principle of residential development is established and the current form of development is now acceptable in principle due to the amelioration of former adverse impacts of this development upon sensitive urban fringe setting. The development is now of a scale comparable with that previously proposed and will no longer appear as incongruous or have a dominating impact on the land to the north east and to neighbouring properties. This scheme has no unacceptable harm upon neighbour amenities or the character of the area. Consideration has been given to Policies CSP1 The Growth Network, CSP3 Environmental Infrastructure, CSP4 Place Making, TRAN2 Managing Transport Impacts of New Development, ENV 1

Nature Conservation, ENV 2 Historic Character and Local Distinctiveness and ENV 3 Design Quality of the Black Country Core Strategy and saved policies DD1 Urban Design, DD4 Development in Residential Areas, SO6 Local Park, NC1 Biodiversity, NC6 Wildlife Species, NC9 Mature Trees, NC5 Site of local Importance for Nature Conservation, NC10 The Urban Forest and SO2 Linear Open Space of the Dudley Unitary Development Plan.

## RECOMMENDATION

It is recommended that the application be APPROVED subject to the following conditions;

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: KC14/101/A , KC14/100, Location Plan
3. No materials other than those indicated on the approved plans shall be used without the approval in writing of the Local Planning Authority. T
4. No further development shall commence until details of the type position, design, materials and appearance of boundary treatments or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.
5. No further development shall commence until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details must include, where appropriate, planting plans, written specifications, a schedule of plants including species, plant sizes and proposed numbers/densities and a programme of implementation. Plans must also include accurate plotting of all existing landscape features. The works approved as part of this condition shall be completed within the first planting season following the first occupation of any part of the development.

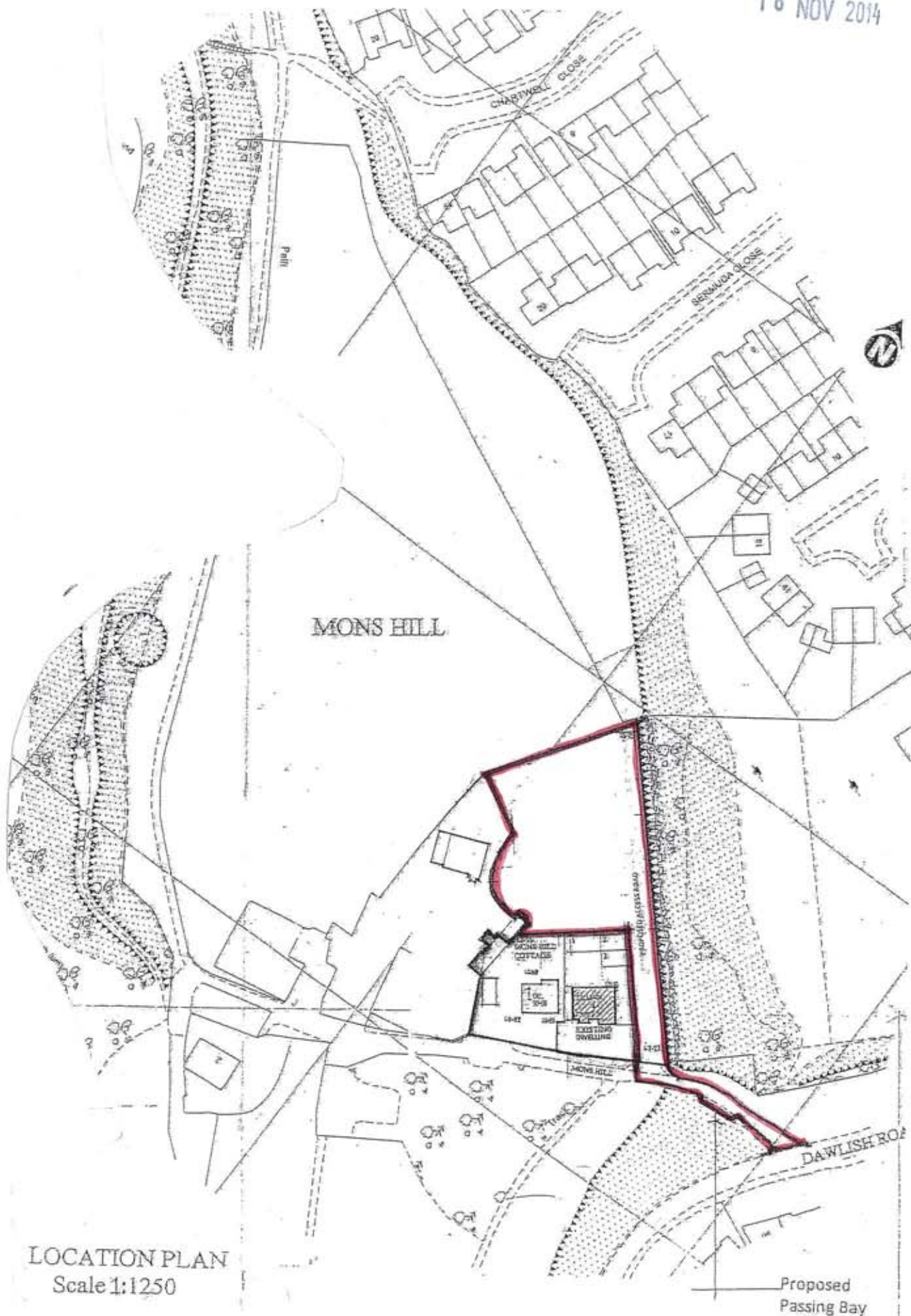
Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

6. Notwithstanding the details shown on the approved plans no gates shall be constructed across the access to the site without the express grant of planning permission.
7. No further development shall commence until there has been submitted to, and approved in writing by the Local Planning Authority details of the tree protection

measures on site. The details shall include:

- a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
  - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
  - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.
  - d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 'Trees in Relation to Construction – Recommendations'.
8. Demolition of any buildings and clearance of trees and other vegetation should avoid the bird nesting season (March-September inclusive) unless a bird assessment with recommendations is carried out by a qualified ecologist with 7 days of the works commencing. The assessment should be submitted to and approved in writing by the local planning authority before works begin. All works to be carried out in accordance with the approved assessment's recommendations.
  9. No further development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
  10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no development covered by Schedule 2 Article 3 Part 1 Classes A, B, C, D, E and F or Part 2 Classes A and B of Schedule 2 of that order shall be carried out without planning permission granted by the Local Planning Authority.
  11. No further development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

18 NOV 2014

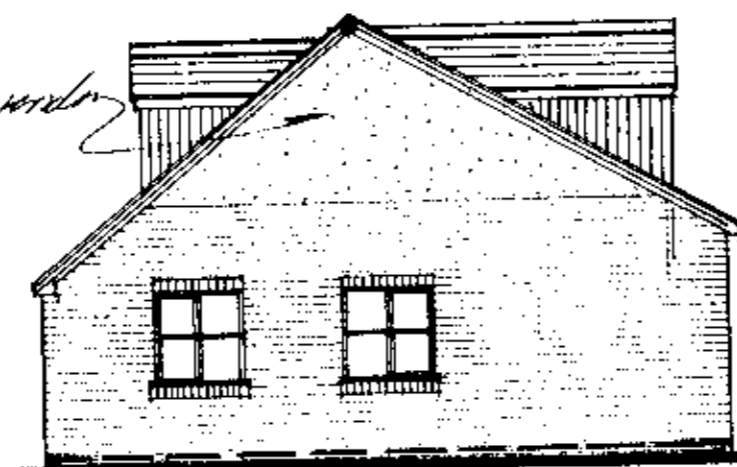


LOCATION PLAN  
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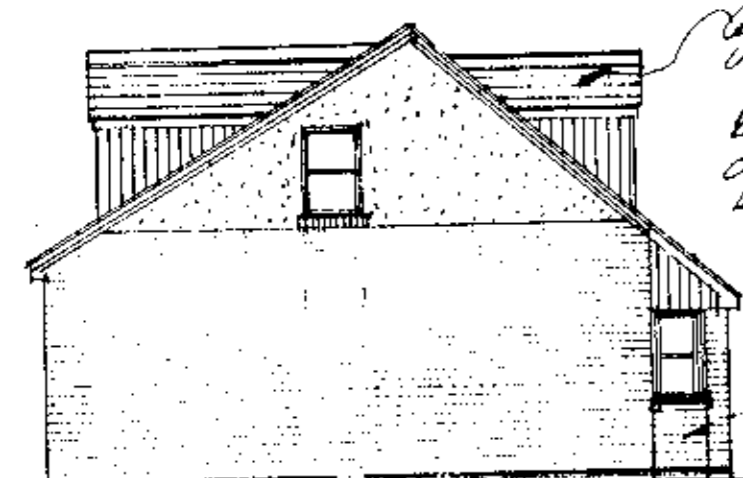
Proposed  
Passing Bay



Front



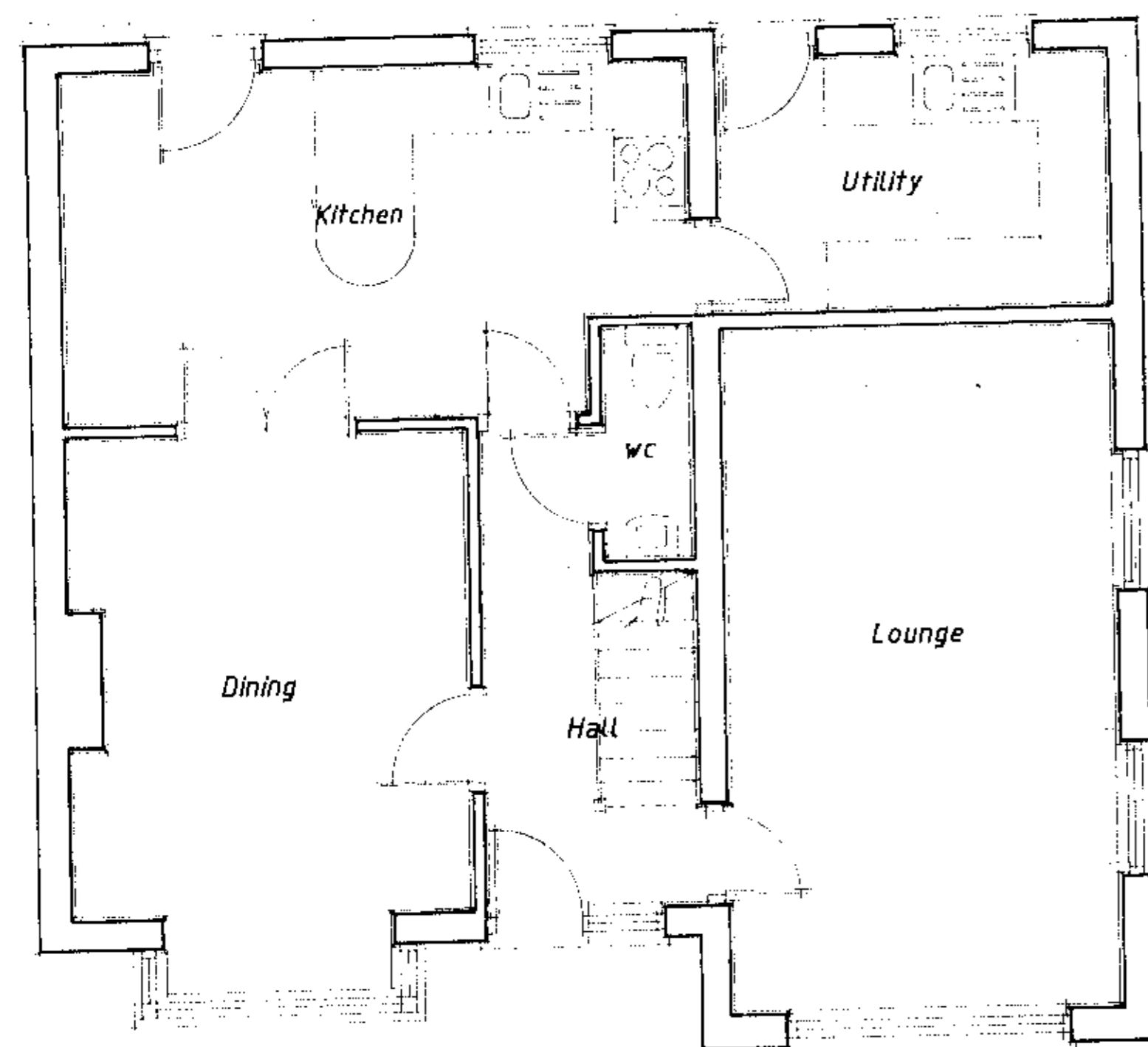
Side



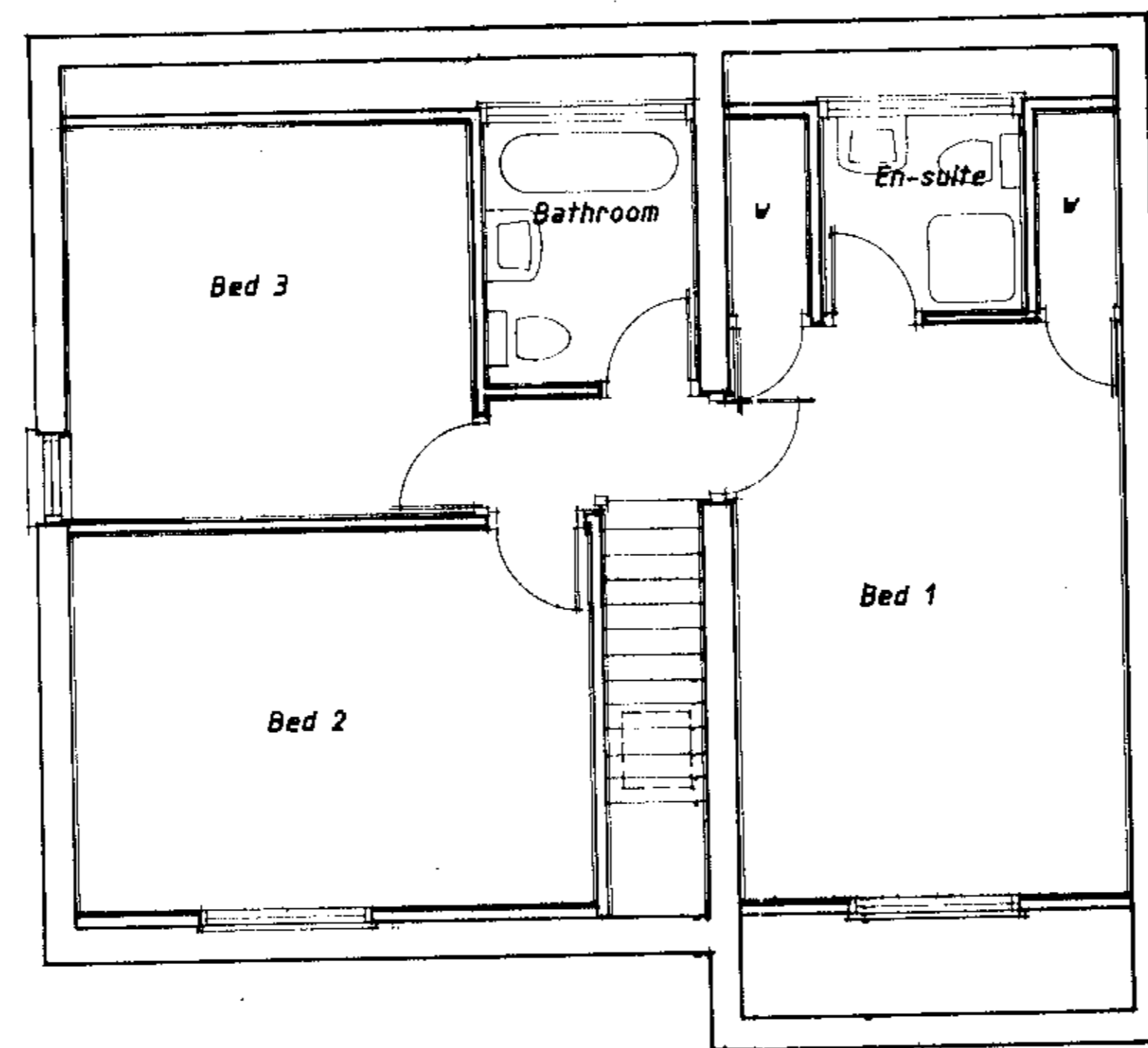
Side



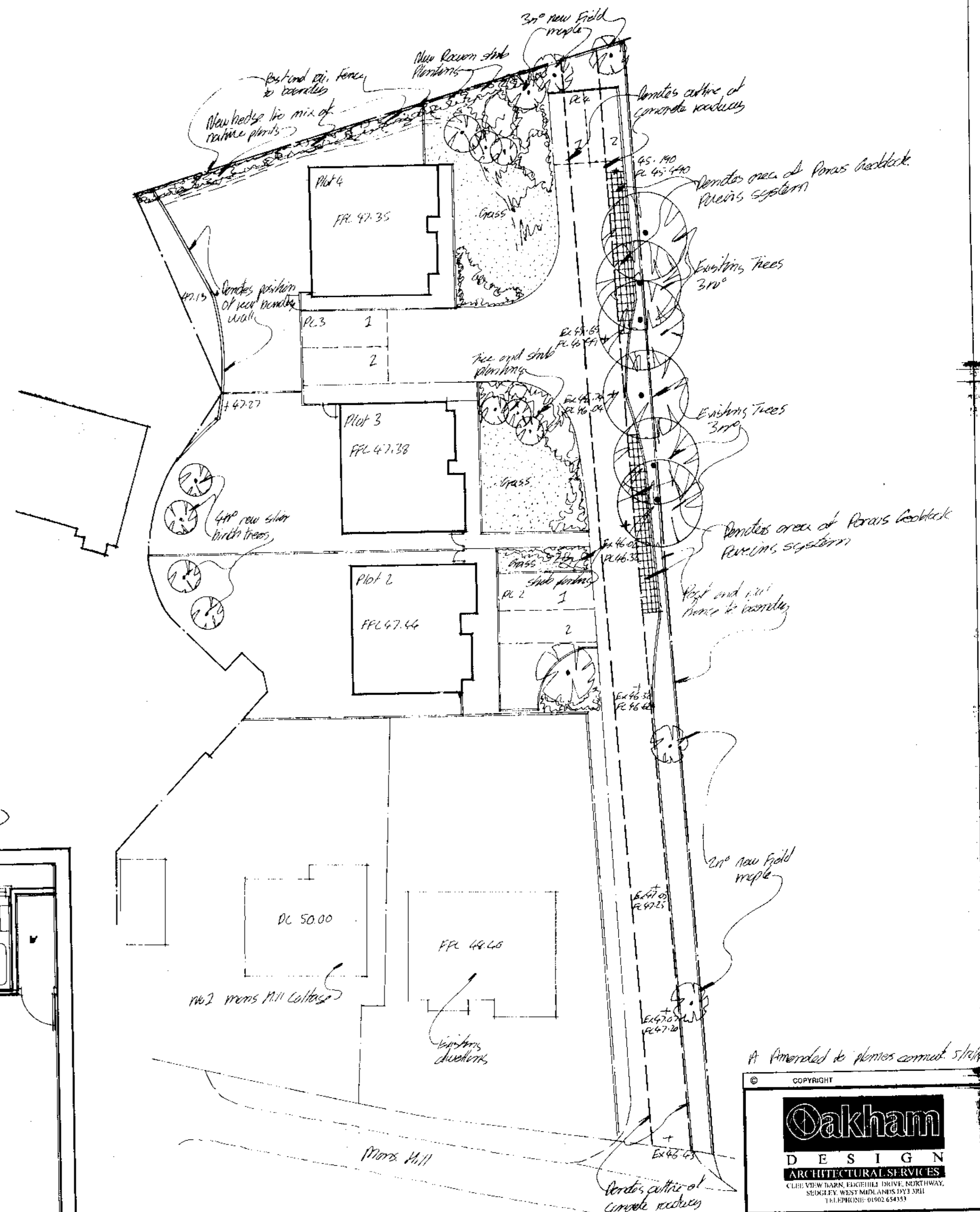
Rear



Ground floor plan

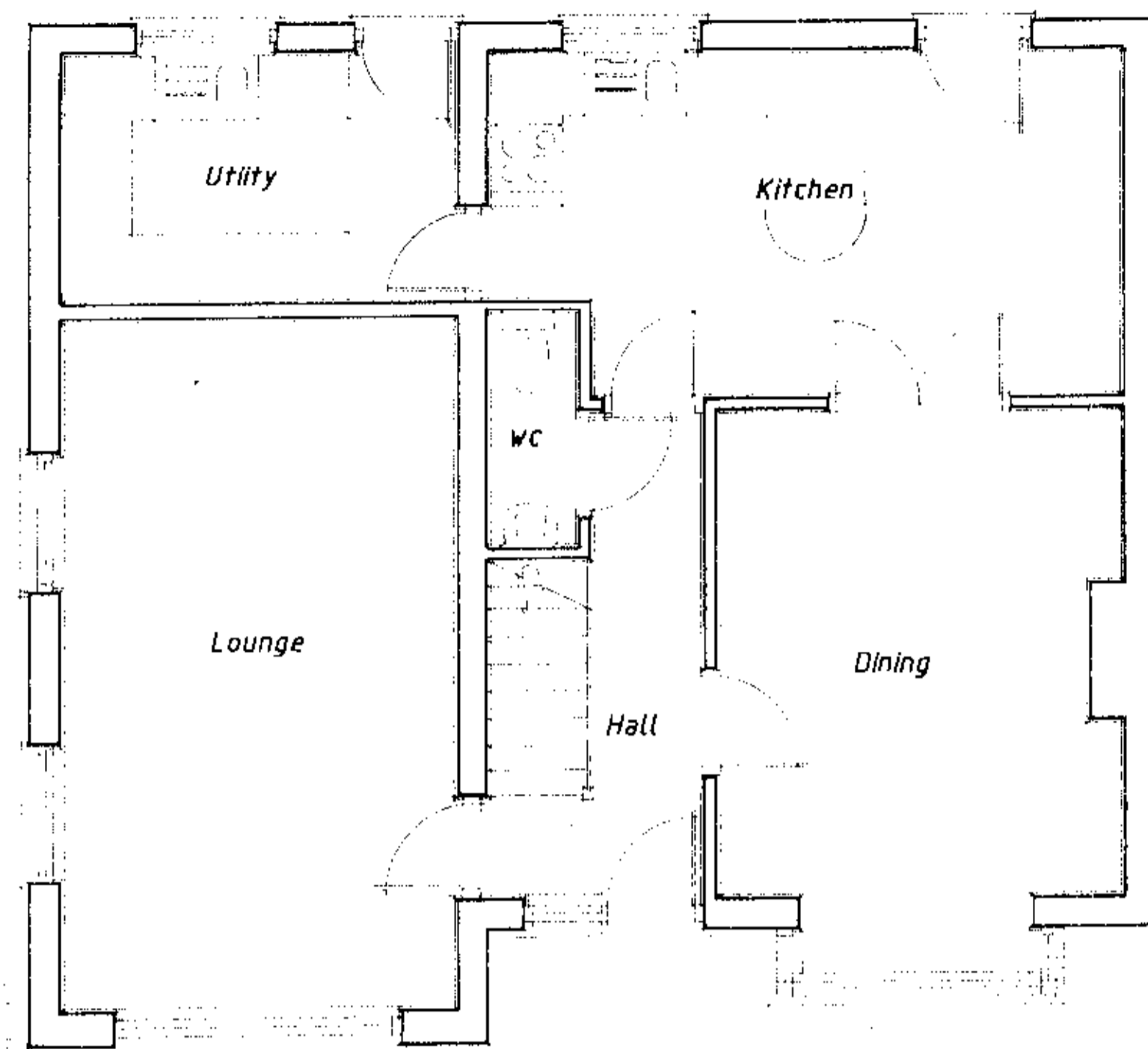


First floor plan



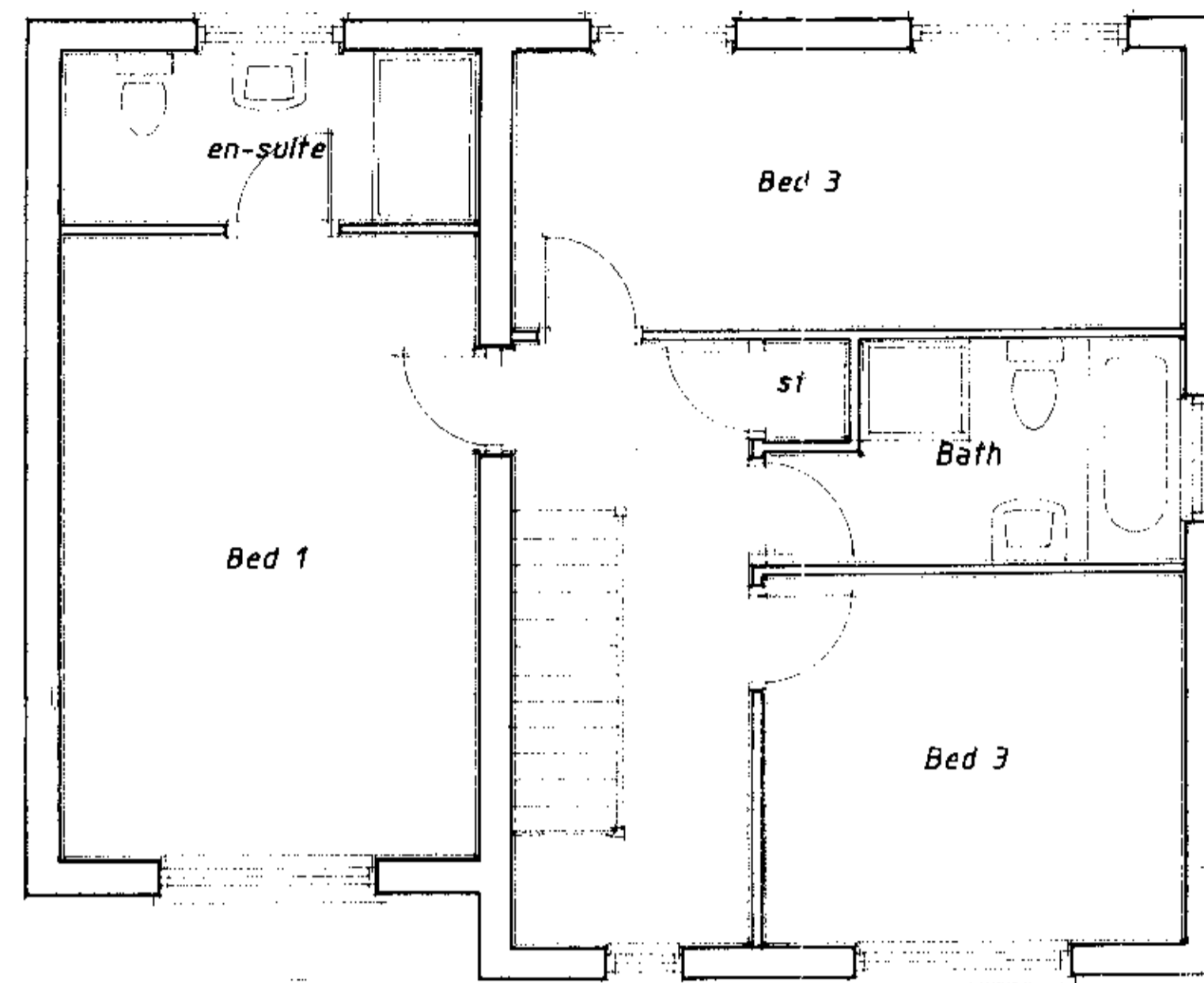
A. Proposed to plot 4 corner 5/10/14



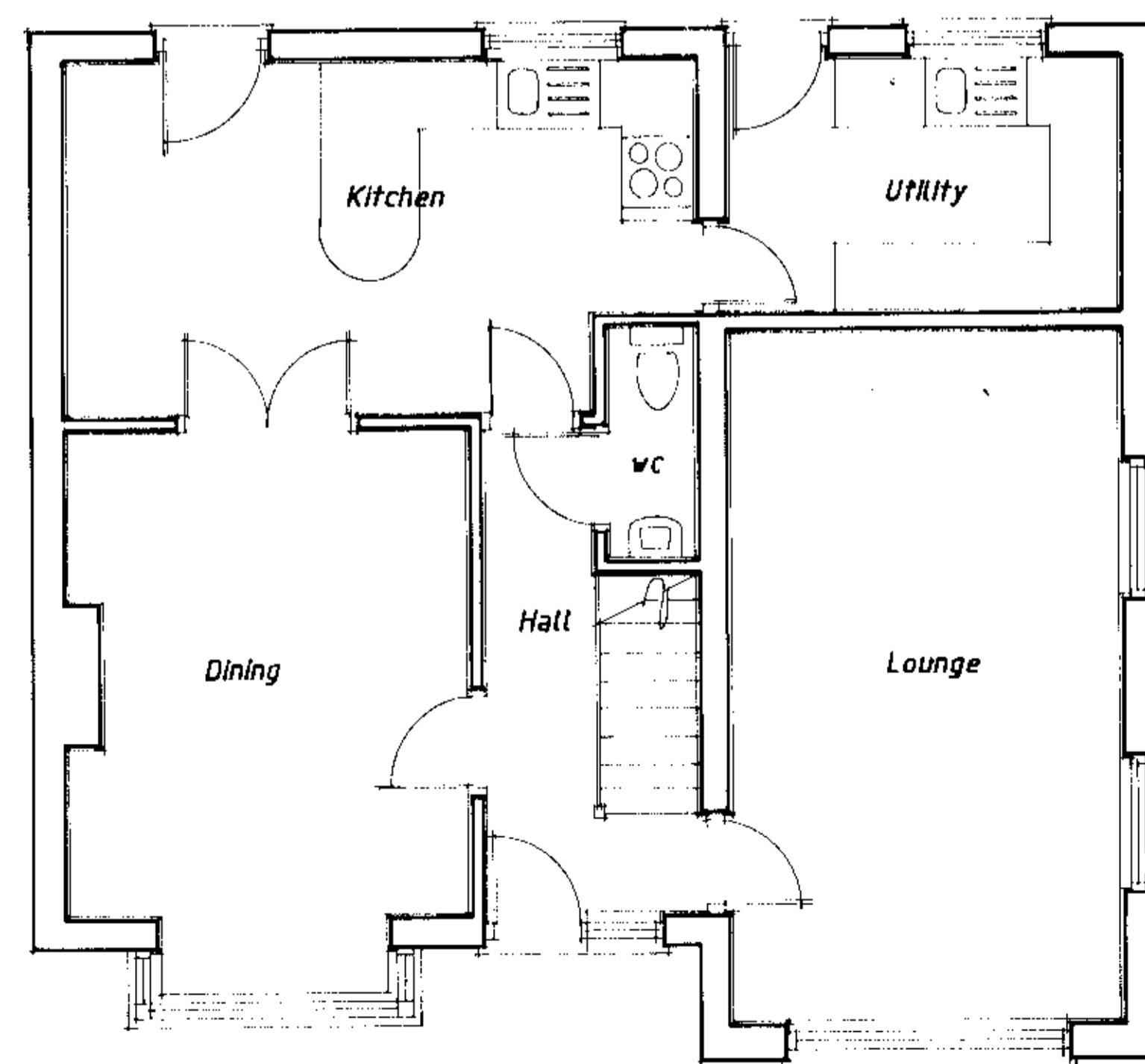


Ground floor plan

Layout plot 3

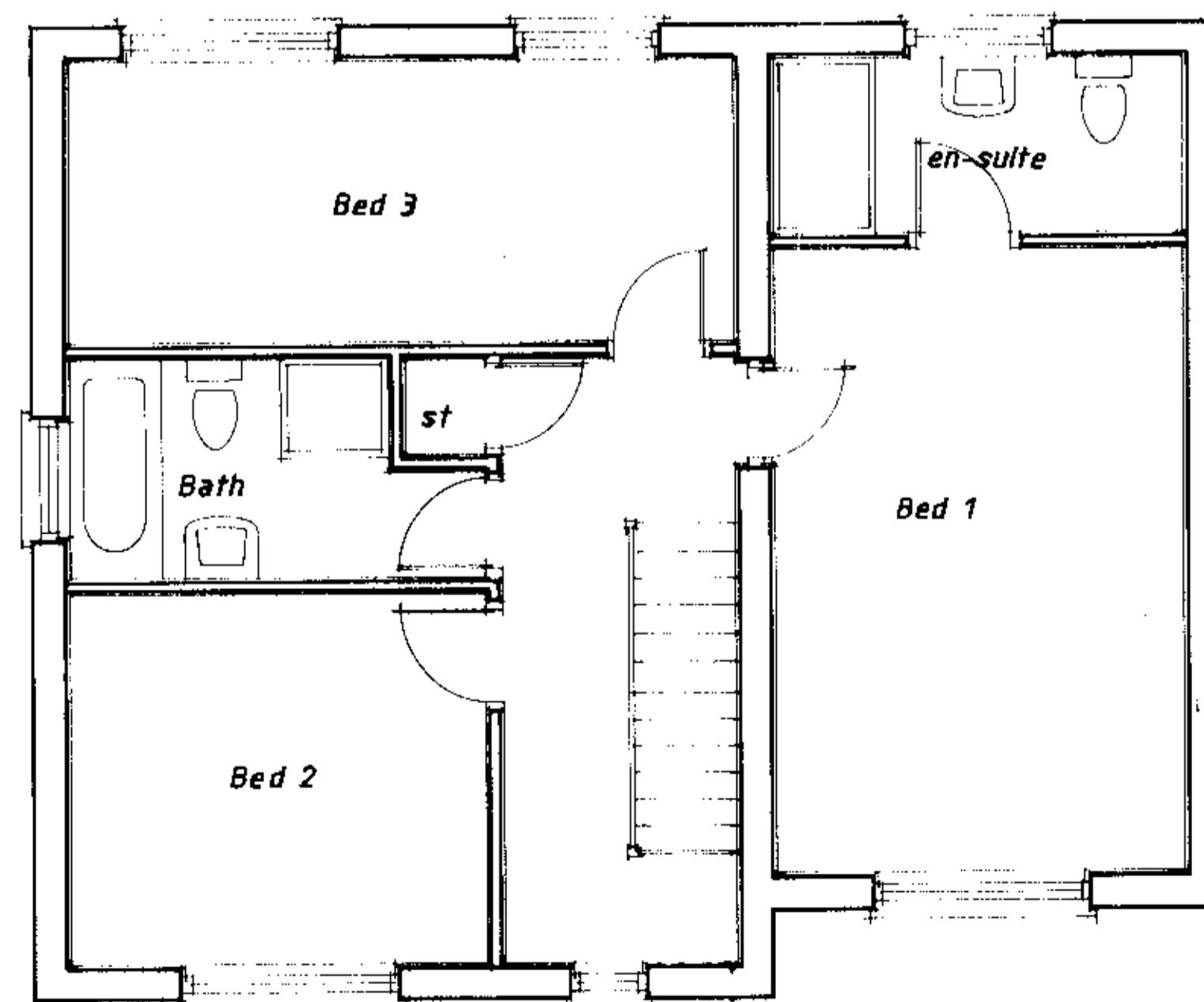


First floor plan

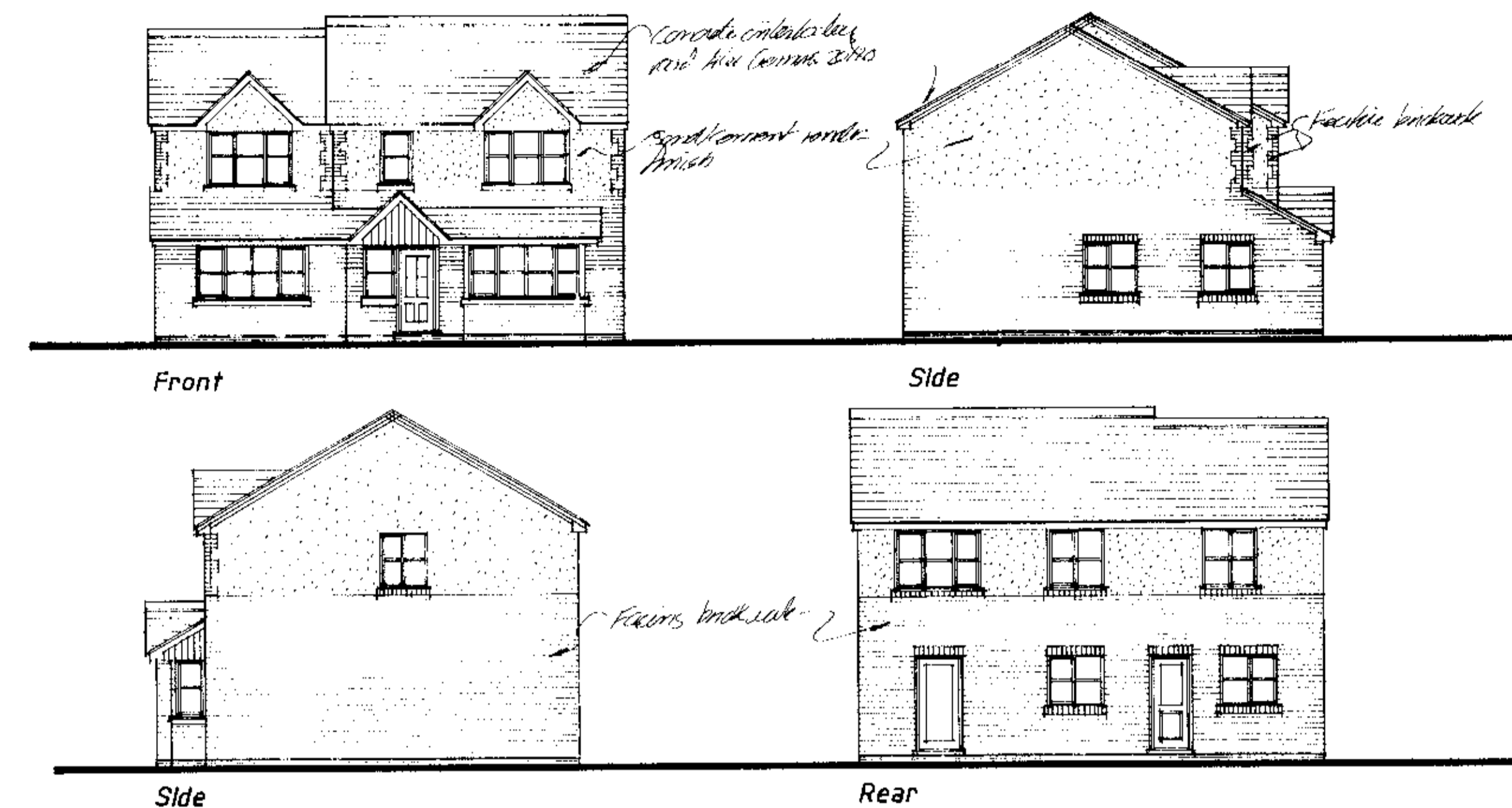


Ground floor plan

Layout plot 2



First floor plan



JOB TITLE	
Land adjacent to 1 Mons Hill Dudley DY1 4LT	
SCALE	DATE
1:50~1:100	Oct 2014
DRAWING TITLE	
Proposed 3 bedroom detached dwellings Plots 2 and 3	
JOB No.	DRAWING No.
KC/14/100	