

PLANNING APPLICATION NUMBER:P08/1618

Type of approval sought	Full Planning Permission
Ward	UPPER GORNAL & WOODSETTON
Applicant	Mr Roger Fellows
Location:	LAND ADJACENT, 57, EVE LANE, UPPER GORNAL, DUDLEY, WEST MIDLANDS, DY1 3TY
Proposal	ERECTION OF 1NO. SPLIT LEVEL BUNGALOW (RESUBMISSION OF WITHDRAWN APPLICATION P08/1313)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site occupies an area of side garden land belonging to No 22 Vicarage Road. It has already been fenced-off from this dwelling by means of 1.8m high concrete posts and timber fencing. The site is situated within an established residential area of mixed dwelling types. Vicarage Road comprises mainly two-storey post war rendered terraced and semi-detached dwellings. No 57 Eve Lane is a 1930's bungalow and Nos 53 and 55 Eve Lane are two storey detached dwellings. On the other side of Eve Lane are two-storey semi-detached houses.
2. The site currently contains a double garage and store with access off Vicarage Road. The remainder of the site is overgrown garden land. It has frontages to both Vicarage Road and Eve Lane. The site slopes steeply from Eve Lane to Vicarage Road and there is also a drop in levels between the site and No 57 Eve Lane.

PROPOSAL

3. The application is for the construction of a two-bedroom detached bungalow. It would have a hipped roof with a small gable and the building would face Eve Lane. The change in levels on the site would allow for the construction of a lounge on the lower ground floor level so that the building would be two-storey when viewed from the rear. The building would be 7.1m wide with a maximum depth of 9.4m. When viewed from Eve Lane the building would be 5.7m high and would be 8.3m high at the rear.
4. Two off-street parking spaces are indicated off Vicarage Road. Two replacement tandem car parking spaces are indicated adjacent to No 22 Vicarage Road. Pedestrian access to the new dwelling is indicated via Eve Lane.

HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
DB/71/8502	Erection of a double garage and store	Approved	05/08/71
P06/1269	Outline: Erection of detached bungalow	Approved	04/08/06
P07/1812	Erection of 2No 2 bed semi-detached bungalows	Withdrawn	07/11/07
P08/1313	Erection of 1No split level dormer bungalow	Withdrawn	02/10/08

PUBLIC CONSULTATION

6. One letter of objection has been received which makes the following points:
- It is the back garden of No 22 Vicarage Road as such the development is not acceptable in principle and the bungalow would not be in keeping with the surrounding properties;
 - Concerns regarding a boundary wall;
 - The fence has already been erected and the tree removed;
 - Condition 3 of P06/1269 required a tree survey to be submitted with reserved matters to demonstrate that the siting of the bungalow would not have an adverse impact on the health of a mature willow tree on the site however, the tree was cut down before the survey took place.

OTHER CONSULTATION

7. Group Engineer - Development – no objection.
8. Head of Environmental Health and Trading Standards – no adverse comments.

RELEVANT PLANNING POLICY

9. Adopted Dudley Unitary Development Plan
 - Policy DD1 Urban Design
 - Policy DD4 Development in Residential Areas
 - Policy DD6 Access and Transport Infrastructure
 - Policy DD7 Planning Obligations
 - Policy DD10 Nature Conservation and Development
 - Policy AM14 Parking
 - Policy H1 New Housing Development
 - Policy H3 Housing Assessment Criteria
 - Policy H6 Housing Density
 - Policy NC1 Biodiversity
 - Policy NC6 Wildlife Species
 - Policy NC9 Mature Trees
 - Policy NC10 The Urban Forest
10. Supplementary Planning Guidance
 - Planning Guidance Note No. 3 New Housing Development
11. Supplementary Planning Documents
 - New Housing Development – a guide to establishing the urban context
 - Planning Obligations
 - Parking standards and travel plans
12. National Planning Guidance
 - Planning Policy Statement 3 – Housing

ASSESSMENT

Key Issues

- Principle of the development
- Density
- Impact on the character of the area
- Impact on the amenities of adjacent residents
- Access and Parking
- Tree
- Protected Species
- Planning obligations

Principle of development

13. The new house would be constructed upon a large area of side garden land belonging to No. 22 Vicarage Road. This brown field land is situated within an established residential area which, in principle, is acceptable for residential development. Indeed the site has the benefit of outline planning application (P06/1269) for a detached bungalow with all matters reserved for subsequent consideration, this was approved on 4th August 2006.

Density

14. The construction of the new dwelling would lead to a density of 33.3 dwellings per hectare (dph). Interestingly, adjacent houses on either side of the site, No 22 Vicarage Road (its new boundary) and No 57 Eve Lane would have the same density. As such it would be in keeping with the density of its immediate surroundings. This density would also accord with guidance contained within PPS3 Housing which encourages housing development which makes efficient use of land (between 30 and 50 dph).

Impact on the character of the area

15. The bungalow would follow the building line of dwellings in Eve Lane and it would have its front elevation to this road. It has been designed in order to specifically reflect the character of the adjacent 1930's bungalow at 57 Eve Lane. It would have a hipped roof and be rendered with vertical brick quoining. At the rear the building would have the appearance of a two-storey detached dwelling. The design and scale of the building are considered to be acceptable for the size of the site. As such the application accords with Policy DD4 of the adopted Dudley Unitary Development Plan.

Impact upon the amenities of adjacent residents

16. To the front and rear the distance between the new habitable room windows of the dwelling and the existing houses directly opposite would be in excess of 22.0m. This would be acceptable being compliant with Planning Guidance Note No. 3 New Housing Development and Policy DD4 of the adopted Dudley Unitary Development Plan.
17. The bungalow would be constructed at a slightly lower level than the adjacent bungalow and would have a similar ridge height to the roof. A large retaining wall runs along the northern side boundary of No 57 Eve Lane which would separate the two sites and there would be a distance of at least 2.5m between the two dwellings. The new dwelling would be built to the north of the existing bungalow which has no side facing windows, as such it would not lead to overshadowing.

18. The new dwelling would be angled away from No 22 Vicarage Road in order to prevent habitable room windows from facing each other. Upper floor windows of No 22 Vicarage Road would mainly overlook the side of the new bungalow however given the juxtaposition of the two dwellings the patio area of the new dwelling would be overlooked albeit at an acute angle. Although not ideal, given the constraints of the site, this is considered on balance to be acceptable.

Access and Parking

19. Pedestrian access only would be available from Eve Lane as the required visibility splay of 2.0m by 59.0m in accordance with Manual for Streets cannot be achieved within land in the control of the applicant.
20. The application indicates 2 No off-street parking spaces in the rear garden accessed off Vicarage Road. This level of provision would accord with the development of a two bedroom dwelling. No objections have been received from the Group Engineer, Development regarding access issues.
21. Two garages and a store would be demolished in order to facilitate the development. These currently provide off-street parking for No 22 Vicarage Road. The plans indicate the provision of 2 No tandem parking spaces adjacent to No 22 Vicarage Road in order to overcome the loss of parking which would take place as a result of the development.

Tree

22. A mature willow tree which the neighbour objection letter refers to died swiftly last year and was felled. No cause for the decline of the tree was identified. As this has now been removed there is no restriction on the siting of the building although replacement tree planting should be secured by condition.

Protected Species

23. A protected species survey has been submitted with the application. This followed a detailed inspection of the house and garages and store to be demolished. This concluded that there were few opportunities for roosting bats on the site but that they are present in the local area. As such caution should be observed and work cease immediately during demolition if bats are found and the advice of a licensed bat ecologist sought. Also as this survey took place some months ago a second survey would be required by condition to be carried out immediately prior to the demolition of the garages and store.

Planning Obligation

24. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Libraries - £179.53
- Open Space, Sport and Recreation - £1,715.61
- Transport Infrastructure Improvements - £3,569.80
- Public Realm - £495.30
- Management and monitoring charge - £500

Total Offsite Contribution = £6,460.24

The applicant has agreed to the payment of these offsite planning obligations.

CONCLUSION

25. The site is brownfield garden land which already has the benefit of outline planning permission for the development of a bungalow. The bungalow would front onto Eve Lane and would have a similar design to the existing adjacent bungalow. At the rear, the change of levels allows for the provision of a lounge on the lower ground floor level giving the building a two-storey appearance which is acceptable. The development would have minimal impact upon the amenities of adjacent residents and access to the site and the provision of off-street parking is acceptable. As such the application is compliant with Policies DD1, DD4, DD6, DD10, NC1, NC6, NC9, NC10 and AM14 of the adopted Dudley Unitary Development Plan, Planning Policy Statement 3 (Housing), Supplementary Planning Guidance Note No 3 (New Housing Development) and Supplementary Planning Document "Parking Standards and Travel Plans"

RECOMMENDATION

26. It is recommended that the application is approved subject to:
- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the provision, maintenance and enhancement of off-site public open space sport and recreation improvements, libraries improvements, public realm and transport improvements has been submitted to and agreed in writing by the Local Planning Authority.
 - b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April

each subsequent year, in accordance with the Council's planning obligations policies.

- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments where necessary.

Reason for Approval

The site is brownfield garden land which already has the benefit of outline planning permission for the development of a bungalow. The bungalow would front onto Eve Lane and would have a similar design to the existing adjacent bungalow. At the rear, the change of levels allows for the provision of a lounge on the lower ground floor level giving the building a two-storey appearance which is acceptable. The development would have minimal impact upon the amenities of adjacent residents and access to the site and the provision of off-street parking is acceptable. As such the application is compliant with Policies DD1, DD4, DD6, DD10, NC1, NC6, NC9, NC10 and AM14 of the adopted Dudley Unitary Development Plan, Planning Policy Statement 3 (Housing), Supplementary Planning Guidance Note No 3 (New Housing Development) and Supplementary Planning Document "Parking Standards and Travel Plans"

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

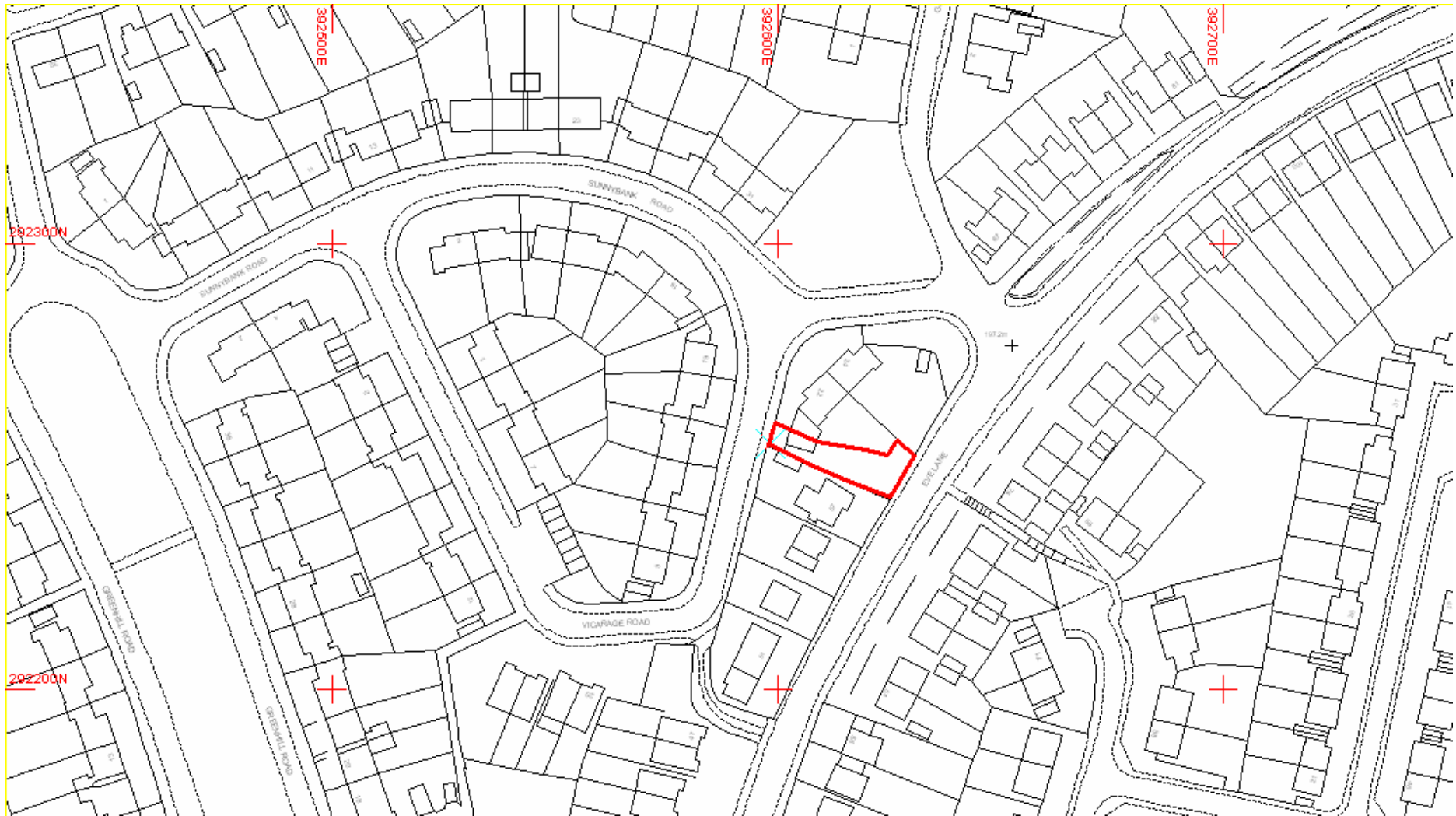
Note for Applicant

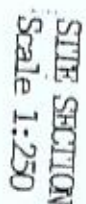
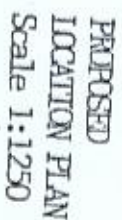
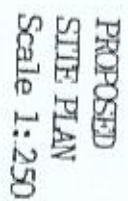
The development hereby permitted shall be built in accordance with the approved plans, numbered RF.2838/07, RF.2839/07/A, RF.2840/07/B and RF.2842/07/B unless otherwise agreed in writing by the Local Planning Authority.

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 not beginning until a scheme for the provision of:
 - Libraries improvements
 - Open Space, Sport and Recreation improvements
 - Transport Infrastructure Improvements
 - Public Realm improvements
 - Management and monitoring chargehas been submitted to and approved in writing by the Local Planning Authority.

3. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. The landscaped areas shall be retained in the form shown on the approved plan throughout the life of the development and shall not be used for any other purpose.
7. Prior to the commencement of development, details of the [boundary treatments /walls/fences] to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
8. Prior to the occupation of the new dwelling the two car parking spaces shown on the approved plan shall be provided and thereafter maintained for the life of the development. At no time shall vehicular access be made onto Eve Lane.
9. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of The Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 no extensions to the roof shall be permitted without planning approval.
10. Immediately prior to demolition of the garages and store a second bat survey shall take place and if evidence of bats are found the advice of a licensed bat ecologist shall be immediately sought.
11. Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the local planning authority. Such materials shall, unless otherwise agreed in writing by the local planning authority, closely match in type, texture and colour those of the existing building.





All dimensions must be checked on site and not scaled from the drawing.

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13 OCT 2008

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MR. R. FELLOWS

LAND ADJOINING

2, EVEL LANE,
UPPER GORNAL,
DUDLEY,
DY1 3TY

PROPOSED 2 BED DETACHED
DORMER BUNGALOW

PROPOSALS

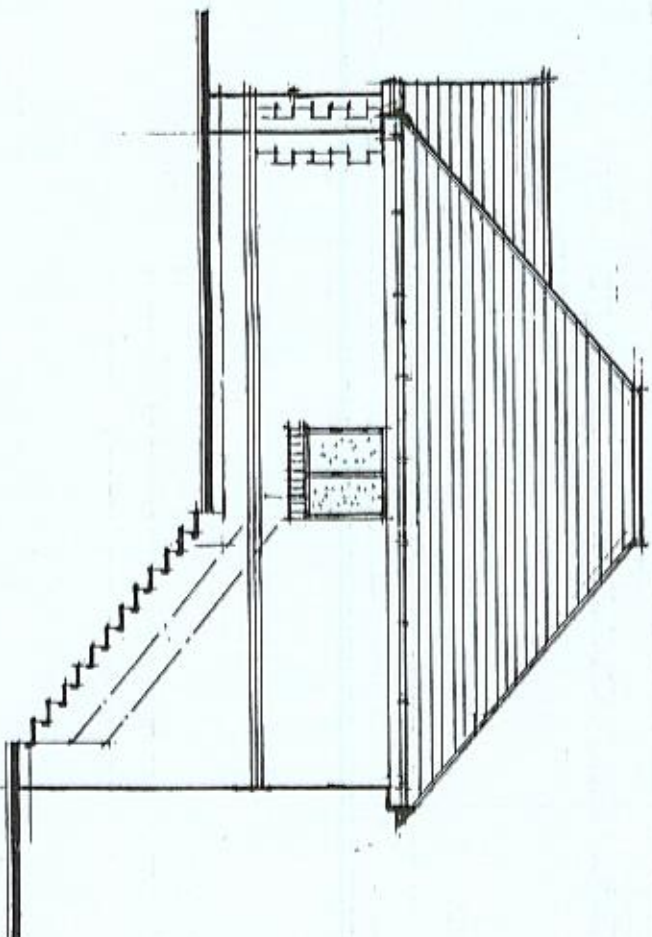
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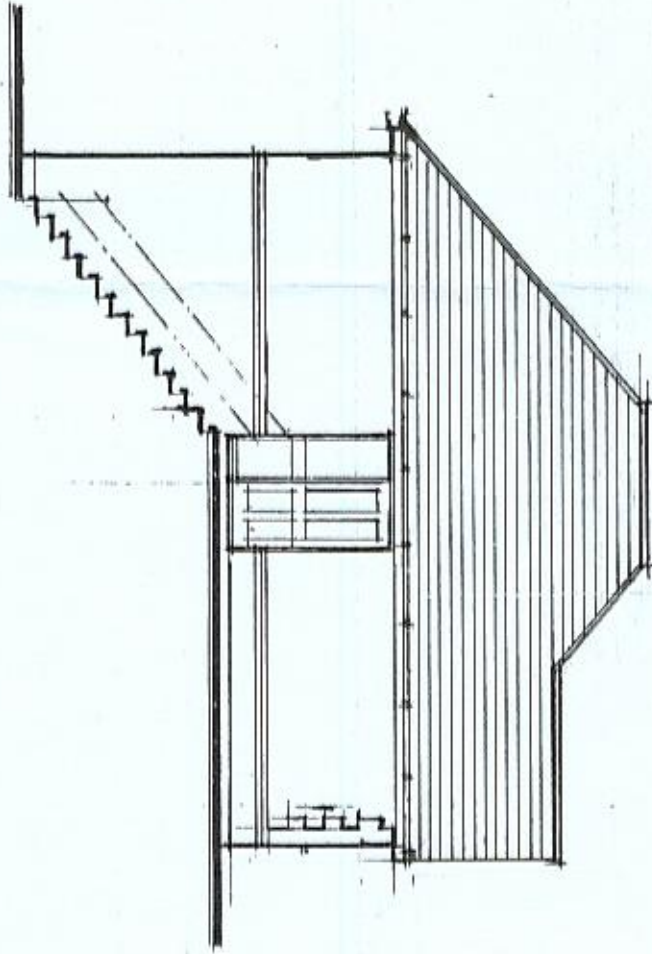
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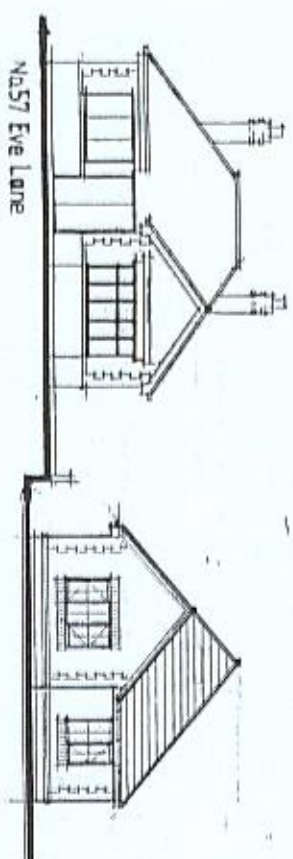
Review



side elevation.
facing No.22 Vicarage Road



side elevation.
facing No.57 Eve Lane



front elevation.
(facing Eve Lane)

PROPOSED STREET SCENE
Scale 1:200

13 OCT 2003

NOTES:
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Date	Revisions

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Client
X MR R FELLOWS

Job Title
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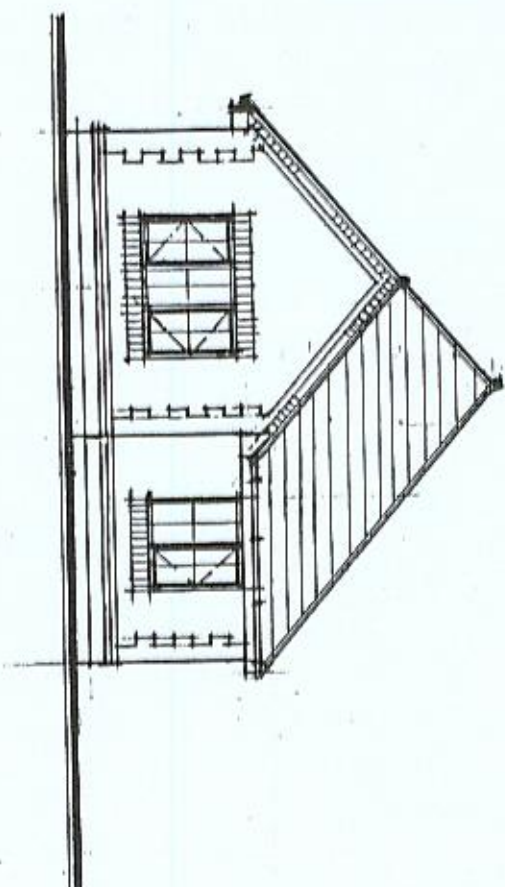
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Proposed Side Elevations

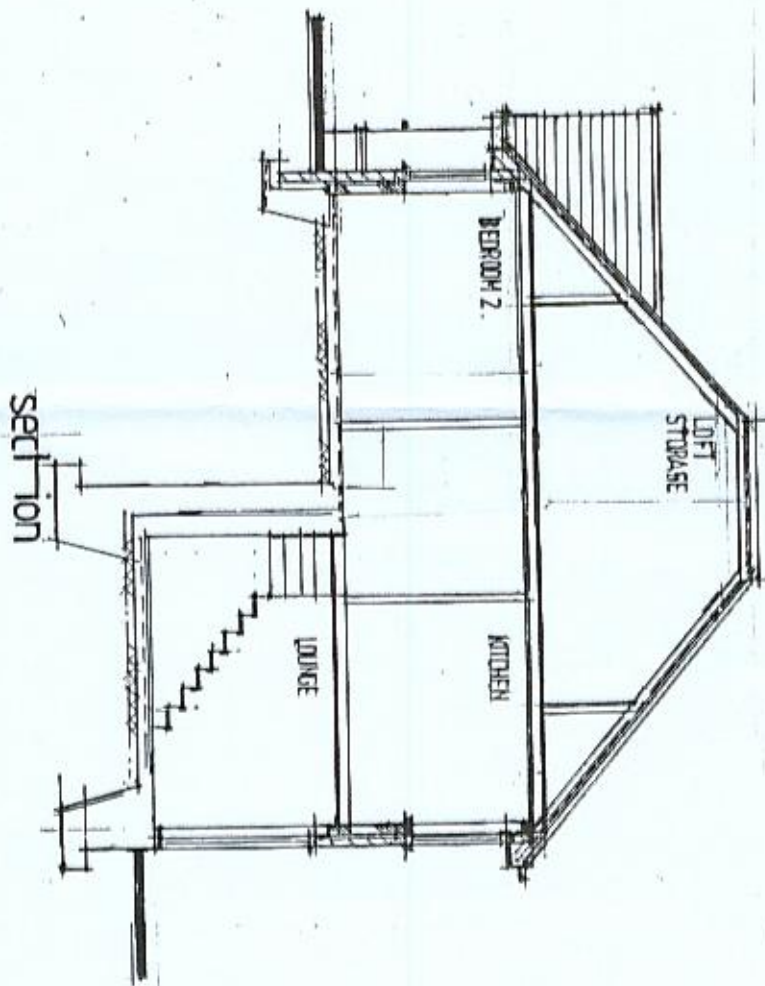
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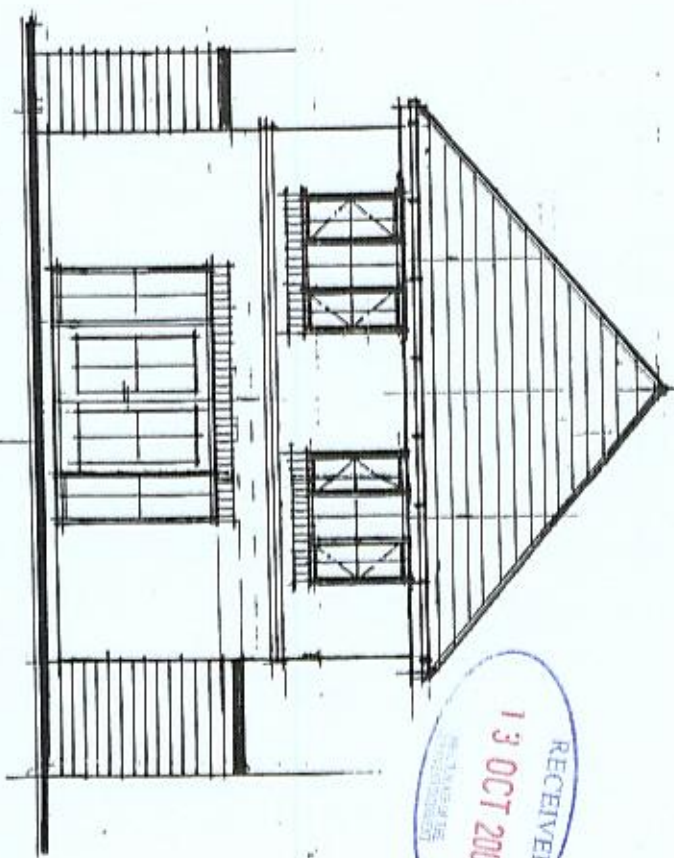
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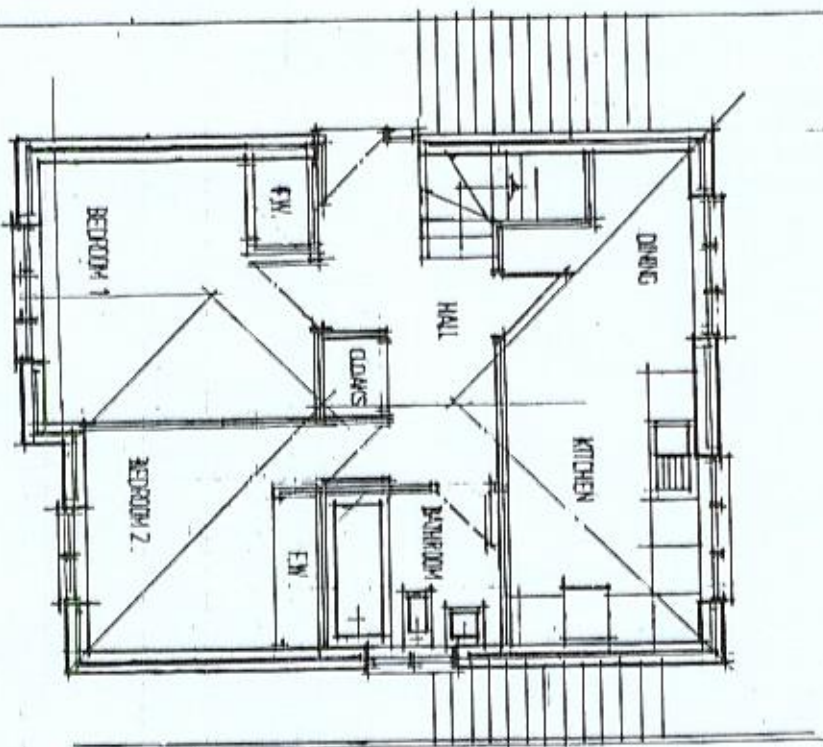
front elevation.
(facing Eve Lane)



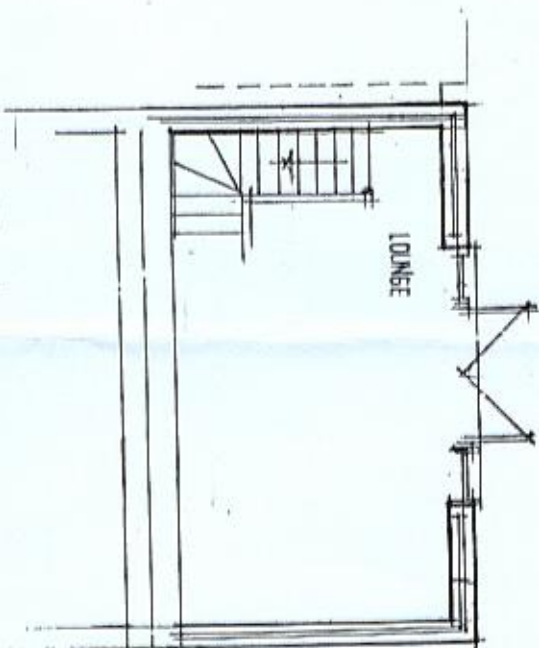
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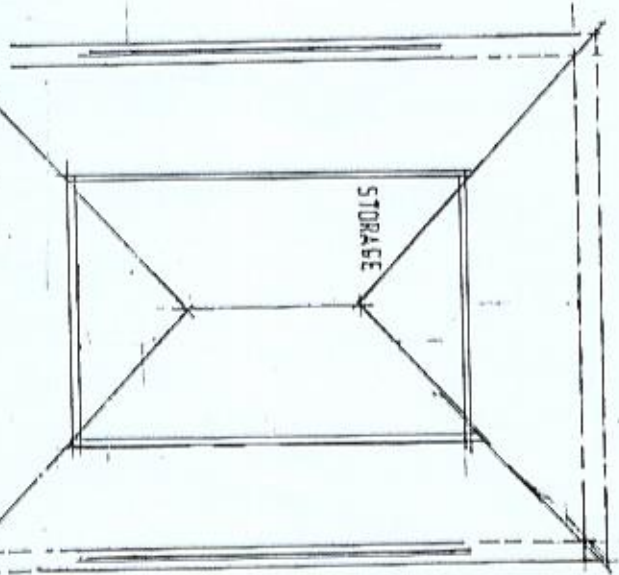
near elevation.
(facing Vicarage Road)



proposed ground floor plan



proposed lower ground floor plan.



proposed loft plan
for storage only.

© Copyright Planning & Design Services 201 THE BROADWAY, DUDLEY, WEST MIDDLESEX DY1 3JF Architectural Design, Planning & Surveying Tel & Fax: 01384-257184		Client: <input checked="" type="checkbox"/> MR R FELLOWS Job Title: <input checked="" type="checkbox"/> LAND ADJOINING 57, EVE LANE, UPPER GORRAL, DUDLEY, DY1 3TY	PROPOSED DETACHED 2 BED BUNGALOW Scale: 1:100 Date: June 2007 Drawn by: X Date: X June 2007 Drawn by: X RF.2842/07/B
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MR. R. FELLOWS

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PROPOSED
DETACHED
2 BED BUNGALOW

EXISTING DETAILS

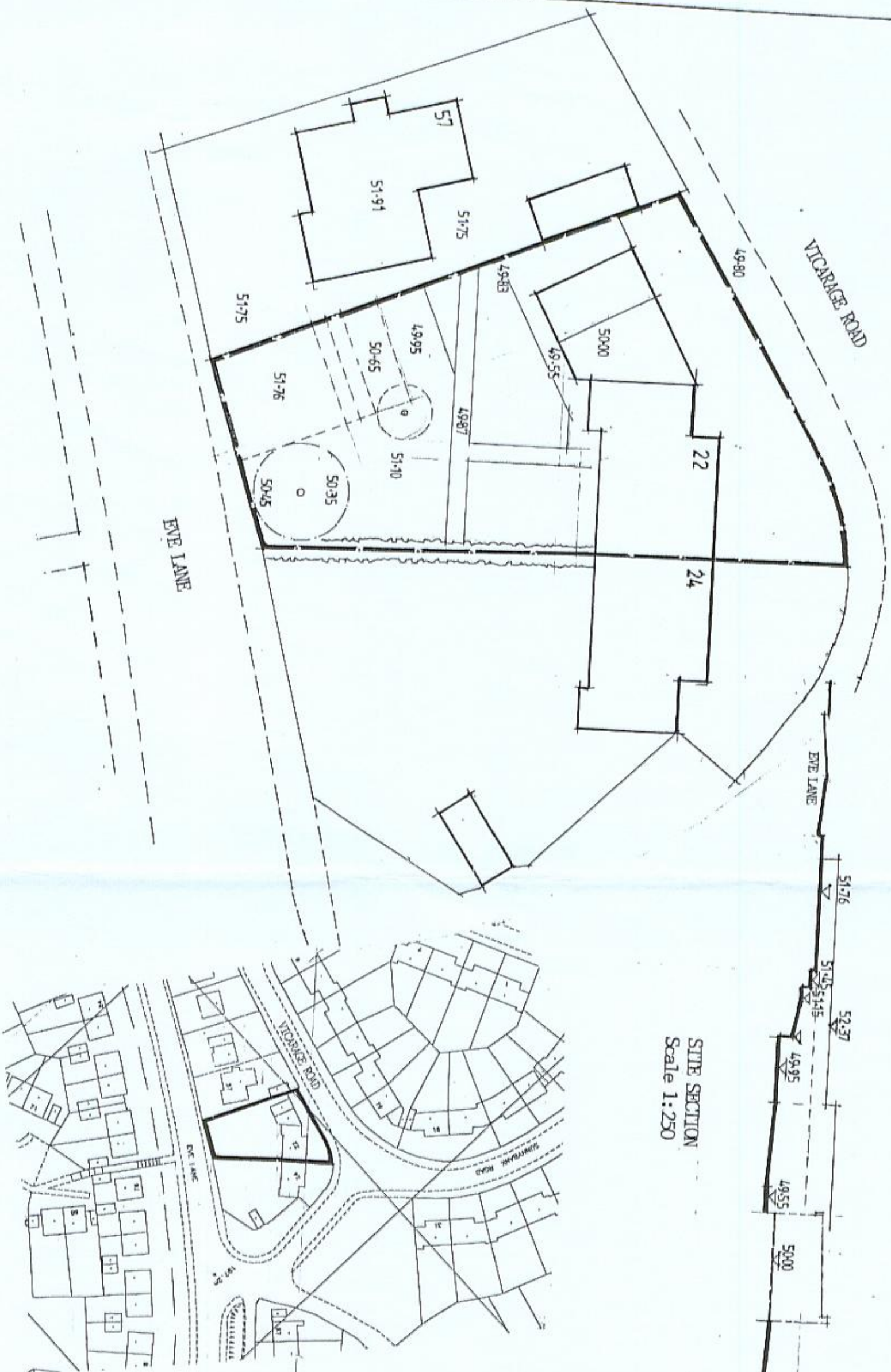
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RF.2838/07

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EXISTING
SITE PLAN
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EXISTING
LOCATION PLAN
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