

PLANNING APPLICATION NUMBER:P05/1743

Type of approval sought	Full Planning Permission
Ward	Upper Gornal & Woodsetton
Applicant	Mrs L Langston
Location:	REAR OF 47D AND KENT HOUSE, (FRONTING BADGER STREET), KENT STREET, DUDLEY, DY3 1UZ
Proposal	ERECTION OF 1 NO. 2 BEDROOM DETACHED DORMER BUNGALOW.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

INTRODUCTION

The application was deferred at the meeting on 7th November 2005, as members requested consideration be given to the erection of one dwelling on the site subject to adequate provision being made for the parking and manoeuvring of vehicles at all the properties involved in the proposal.

ADDITIONAL OBSERVATIONS

Amended plans have been received that reduce the number of dwellings on site from a pair of semi-detached dormer bungalows to one 2-bedroom detached dormer bungalow and the provision of off-street parking to 47D and 'Kent House', Kent Street.

Following the receipt of amended plans, one letter of objection has been received from the occupiers of 'Cranstone', Kent Street. 'Cranstone' shares a driveway with 'Kent House' and the concerns are that the two parking spaces proposed at the rear of 'Kent House', accessed via a shared driveway, will be rented out, leading to a loss of privacy.

In conclusion the scheme has been reduced to a single 2 No. bedroom detached dormer bungalow enabling dedicated parking to be provided for the occupiers of 47D and Kent

House, Kent Street. The proposed bungalow is of a traditional nature with a front bay window and dormer windows set within the roofspace, and in this location is considered acceptable.

At present 47D and 'Kent House' do not have off-street parking facilities and it is considered the four spaces proposed for 47D (47D contains three flats) and the two spaces proposed for 'Kent House' will improve pedestrian and highway safety, and would not adversely affect neighbouring residential amenity.

PREVIOUS REPORT NOW FOLLOWS

SITE AND SURROUNDINGS

1. The application site comprises overgrown garden areas forming part of 47D and 48 (Kent House) Kent Street. The site comprises a flat area of land measuring 0.026 hectares. The north-west boundary of the site fronting onto Badger Street comprises a hardstand formerly used for the parking of vehicles and a brick wall extending approximately 1.5 metres in height.
2. Situated immediately adjacent to the northern boundary of the site is a single storey flat roof building built during the 1960's. This building is a funeral directors . Immediately adjacent to the south-eastern boundary of the site is the rear garden to 'Cranstone'. To the south of the application site is the remaining garden areas to Kent House and 47D Kent Street.

PROPOSAL

3. The proposal seeks full planning permission for the erection of a pair of dormer bungalows with associated access.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P03/2080	Full planning permission for the erection of a single storey rear extension to create an additional one bedroom flat (47D Kent Street)	Approved subject to conditions	15/1/04

PUBLIC CONSULTATION

- The application was advertised by way of neighbour notification letters being sent to the occupiers of ten properties being within close proximity to the application site. The latest date for comments was the 8th September 2005. One letter has been received commenting on the proposals from the occupiers of 'Cranstone' whilst stating that no major concerns are raised with the proposals that the scheme comprises sufficient boundary treatment and issues relating to the rights of access across the site to a garage serving 'Cranstone'. The later point is not a planning consideration but the means of enclosure can be dealt with by conditions.

OTHER CONSULTATION

- Head of Public Protection:** raises no objections to the proposals. No response has been received from the Head of Traffic and Road Safety.

RELEVANT PLANNING POLICY

Adopted Dudley Unitary Development Plan

Policy 85 Development Control (Residential Areas)

Revised Deposit Dudley Unitary Development Plan (As Modified)

Policy DD4 Development in Residential Areas

Supplementary Planning Guidance

PGN No. 3 New Housing Development

ASSESSMENT

6. Government guidance in the form of PPG3 (Housing) seeks the redevelopment of previously developed land before greenfield sites for housing purposes. The application site comprises garden areas within the curtilage of existing dwellings. The site therefore is previously-developed land in accordance with Annex C to PPG3.
7. Whilst the government encourages the re-use of previously-developed land for housing it also advises in PPG3 that this should be set against a background of ensuring that new development is well designed and of an appropriate layout. In particular, PPG3 states that new housing development should not be viewed in isolation and that design and layout must be informed by the wider context having regards to local townscape and landscape of the wider locality. Having regard to local context helps in assessing the character and identity of the development and area. In order to meet these requirements, PPG3 advises that amongst other things, Local Planning Authorities should adopt policies which:
 - Create places and spaces which have their own identity but respect and enhance local character.
 - Focus on the quality of the places and living environments being created.
8. Paragraph 6.3 of PPG3 goes on to state that in determining planning applications that local planning authorities should reject poor design particularly where decisions are supported by clear plan policies and adopted supplementary planning guidance.
9. Following the publication of PPG3 a number of good practice guides have been published providing advice on the layout and design of new development (By

Design – Better Places to Live and By Design – Urban Design in the Planning System: Towards Better Practice). These documents explain the importance of schemes understanding and relating to the context of the site. This involves ensuring that:

- The scale, massing and mix of house type and size are appropriate for the local area.
- New dwellings are arranged within the existing block structure.
- The scheme clearly identifies public and private space.
- The scheme is legible and easy to understand. This relates to issues associated with ensuring that the urban grain of the development is appropriate for the area.

10. This approach has been further enhanced and supported by the publication of PPS1 (Delivering Sustainable Development) earlier this year (2005). This clearly states that:

“Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.”

11. Paragraph 35 of PPS1 goes on to state that good design should:

‘be integrated into the existing urban form and the natural and built environment’.

12. Paragraph 36 provides advice to Local Planning Authorities in drawing up its own policies on design a number of key objectives are to ensure that new development:

- Responds to their local context and create or reinforce local distinctiveness.
- Are visually attractive as a result of good architecture and appropriate landscaping.

13. Advice set out above is incorporated within the Council's own local planning policies as well as Supplementary Planning Guidance. Given the advanced stage of the emerging UDP with the Council having published its notice of intention to adopt the

plan in July 2005 with a view to formal adoption in October 2005, this now carries significant weight in the determination of planning applications and therefore this report focuses on policies within the emerging Plan.

14. In general terms, the scheme demonstrates good urban design principles as outlined by Policy and DD4 of the Revised Deposit UDP (As modified). The two bungalows would front Badger Street helping to create a sense of place by breaking up the existing blank frontage and creating an active frontage along the street. The placing of dormer windows within the front of the properties with the units being single storey to the rear will ensure that the bungalows will not result in overlooking to adjoining residential properties as well as reducing the visual impact of the building. The proposed design of the bungalows would be of a traditional nature with bay windows and dormer windows set within the roofspace. Badger Street and Greenhill Road beyond are characterised by traditional post war terrace and semi-detached two storey dwellings. Whilst the dwellings proposed are bungalows, their detailed design is appropriate having regard to the distance of the dwellings from existing properties and the general character of the area.
15. The proposed dwellings would be set back 1.2 metres from the highway with two car parking spaces per dwelling being provided to the side of the bungalows. Each of the bungalows would comprise gardens being 8 metres in length with an overall garden area of approximately 65m². The side gable of the bungalow closest to 47D Kent Street would be located some 22.5 metres away from this property with the side gable of the second bungalow being located some 3.5 metres from the funeral directors.
16. Whilst Supplementary Planning Guidance seeks the provision of a minimum garden length of 11 metres in relation to two bedroomed semi-detached dwellings the spirit of this standard is to ensure that sufficient back-to-back distances are provided between dwellings. Given that the proposed bungalows would back onto other garden areas this is not a consideration in this case. The key issue is that the scheme provides a sufficient usable garden area being 65m² in accordance with PGN No.3.

17. The proposed bungalows would provide sufficient off-street parking provision in accordance with national and local planning policies and would ensure that sufficient pedestrian visibility splays are provided.
18. The distance of the proposed bungalows from adjoining properties will ensure that there will be no adverse impact in terms of overlooking, a loss of privacy or the buildings being overbearing close to the boundaries with adjoining properties.
19. The application site comprises 0.026 hectares. Erecting two units on the site would result in an overall gross density of 77 dwellings per hectare. The surrounding area comprises a range of gross densities between 17 and 44 dwellings per hectare (1-2 Badger Street being 17 dwellings per hectare, 2-16 Greenhill Road being 26 dwellings per hectare, 47D Kent Street and Kent House being 27 dwellings per hectare and 1-12 Inhedge Street being 44 dwellings per hectare).
20. PPG3 encourages the efficient use of land through seeking densities for new developments in the region of 30-50 dwellings per hectare. The proposed development would result in an overall gross density slightly above the upper limit presented by national guidance. PPG3 does not intend for this range of densities to be rigidly applied as it is only a guideline and in cases where a higher density can be achieved whilst not compromising the quality of design and in sustainable locations it is acceptable to achieve higher densities. Placing two dwellings on the site will in design terms provide a greater level of activity along Badger Street and will appear in visual terms balanced and since the site is located within walking distance of the Kent Street Local Shopping Centre and situated on a good bus route there is justification to accepting a density greater than 50 dwellings per hectare without having an adverse impact on the character of the area.

CONCLUSION

21. The proposed development uses previously developed land and demonstrates good urban design principles complementing adjacent properties. The proposal therefore

complies with Policy DD4 of the Revised Deposit Dudley Unitary Development Plan (2002).

RECOMMENDATION

22. It is recommended that planning permission is **approved** subject to conditions.

23. Reason for Approval

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.

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. No structure or erection exceeding 600 mm in height shall be placed forward of the pedestrian visibility splays as shown on Drawing 4456:1B unless otherwise agreed in writing with the Council.
3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that order), no development referred to in Part 1 Class A of Schedule 2 to that order shall be carried out.
4. Before the dwelling hereby approved is first occupied the parking spaces shown on drawing No. 4456:1B shall be laid and marked out and retained for the lifetime of the development.
5. The windows to be installed in the side elevations of the bungalow hereby permitted shall be fitted with obscure glass and the only opening lights shall be at high level and top hinged. The obscure glass and opening lights shall be maintained throughout the life of the development.
6. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
7. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed boundary treatment to be erected on the site. Following approval of these details, the boundary treatment shall be erected in accordance with the agreed details and retained for the lifetime of the development.
8. This permission relates to drawing numbers 4456:1B and 4456:2B received on the 9th December 2005.