

# PLANNING APPLICATION NUMBER:P10/1155

Type of approval sought	Full Planning Permission
Ward	WORDSLEY
Applicant	Mr Colin Jones
Location:	<b>73A, BRACKEN PARK GARDENS, WORDSLEY, STOURBRIDGE, DY8 5SZ</b>
Proposal	<b>ALTERATIONS TO FORM NEW TURNING BAY AND CAR PARK AREA.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. Bracken Park Gardens is an area of residential development consisting of modern, mainly detached houses on relatively small plots. The application site is a newly-constructed 2-bedroom house located on a triangular plot at the end of a row of houses. The site contains a driveway which provides access to the property itself and to No.71 Bracken Park Gardens to the north. To the west of the site is a block of flats which is accessed from the head of the cul-de-sac immediately to the front of the application site.

## PROPOSAL

2. Permission for the house was originally allowed on appeal in 2007. The approved development included the following:
  - A triangular shaped grassed area at the front of the building;
  - An 11m long rear garden;
  - 2no.parking spaces at the rear of the site;
  - re-alignment of the existing drive to no.71 ( required as a result of the proposed creation of the 2no. parking spaces )

3. Retrospective consent is sought for the following elements of the development which are not in accordance with the originally-approved plans:

- The creation of a block paved area at the front of the building instead of the proposed grassed area;
- A rear garden of a different shape and smaller area;
- A block paved area to the side of the building used for parking a vehicle, in an area which was originally shown to be part of the property's garden area;

The access drive to No.71 has been retained in its original position rather than being realigned and the 2no. parking spaces proposed at the rear of the property have not been provided. Instead it is now proposed, in addition to the retrospective changes sought, to create a new turning area/single parking space within the curtilage of No.71 along the site's northern boundary.

## HISTORY

4.

APPLICATION	PROPOSAL	DECISION	DATE
p06/0831	Erection of two bedroom detached dwelling	Refused	June 2006

5. The above application was refused on the following grounds:

- 1) the principle of the loss of the visual amenity gap in the street scene is not accepted, as it would harm the character of the area;
- 2) the proposal would result in a cramped and contrived form of high density over development of the site;
- 3) the proposal would be a danger to highway safety due to the lack of on-site turning provision, such that vehicles would need to reverse across a second highway and onto the highway.

6. A subsequent appeal was allowed.

## **PUBLIC CONSULTATION**

7. A total of 42 notification letters were sent to the occupiers of neighbouring properties. As a result one objection has been received from the occupants of No.73 Bracken Park Gardens on the following grounds:
- The block paved areas at the front and side of the building should be landscaped under the terms of the original approval;
  - Lack of manoeuvring space within the space for vehicles;
  - The proposed 1.8m high fence to enclose the garden area will restrict driver visibility;
  - The driveway is not wide enough to accommodate vehicles entering and exiting the site at the same time;
  - Vehicles parked at the front of the building would need to exit the site in reverse gear, contrary to the terms of the original permission.

## **OTHER CONSULTATION**

8. Group Engineer (Development): The enclosure of the rear garden with a 1.8m high close boarded fence will mean that the car parking space adjacent the dwelling will have no visibility of vehicles travelling towards Bracken Park Gardens and cannot be supported. This area should be enclosed with fence of less than 1m in height.

The provision of a parking space in front of the dwelling and another in the turning area would be sufficient, as there would still be enough space to use the turning area.

In summary, subject to the provision of a fence to enclose the area adjacent the dwelling and the marking out of the two parking spaces as discussed above the Highway Authority would have no objections to the development.

## RELEVANT PLANNING POLICY

### 9. Saved UDP

- Policy DD4 (Development in Residential Areas)

## ASSESSMENT

### 10. Key Issues

- The impact of the development on the character of the area;
- Residential amenity;
- Highway safety.

11. As planning permission has already been granted and the development constructed the principle of the proposal is established and only the proposed alterations can now be considered. Saved UDP Policy DD4 advises that new development in residential areas will only be allowed where there would be no adverse effect on the character of the area, residential amenity or highway safety.

### Character

12. The block paved area at the front of the building is a feature typical of an urban street scene and has no detrimental impact on the character of the area. Whilst the original permission did show this area as being a garden area the Planning Inspector did not attach a condition to the approval requiring it to be retained as such for the life of the development. As such it would have been possible for the applicant to pave over any garden area under permitted development rights. .
13. The original application proposed a small patio area to the rear of the building, with steps from it leading up to a larger lawned garden. The development that has taken place still includes the patio area, however a smaller, block paved garden has been

created which follows the line of the existing access drive and is to be enclosed by a 1.8m high fence.

14. Planning Guidance Note 3 (Housing) provides development standards for new housing proposals. For two-bedroom dwellings gardens with a minimum area of 65 sq.metres are required. The garden area in this case is approximately 60 sq.metres in area. Existing properties to the east of the site along Bracken Park Gardens have rear gardens which are approximately 70 sq. metres area. Although the created garden area is relatively small, it is not so significantly out of character with the size of existing gardens in the immediate surrounding area or so far below the guidance note standards to warrant refusal of the application on these grounds.

#### Residential Amenity

15. The changes made to the development have had no greater effect on the amenities on the occupants of the neighbouring property, No.73, than the approved development would have had. The proposed creation of a turning space within the curtilage of No.71 would not have any effect on residential amenity at that property as the turning area would not be set some distance away from the house itself.

#### Highway Safety

16. Parking provision would be in accordance with the standards set out in the Parking Standards SPD (a minimum of 2 spaces for a 2-bedroom dwelling). With regard to the Group Engineer's comments, an amended plan has been submitted which shows the block paved area to the side of the dwelling enclosed by a 0.6m high fence. This will prevent vehicle parking in that part of the site and as such the development would not have any detrimental effect on highway safety.

### **CONCLUSION**

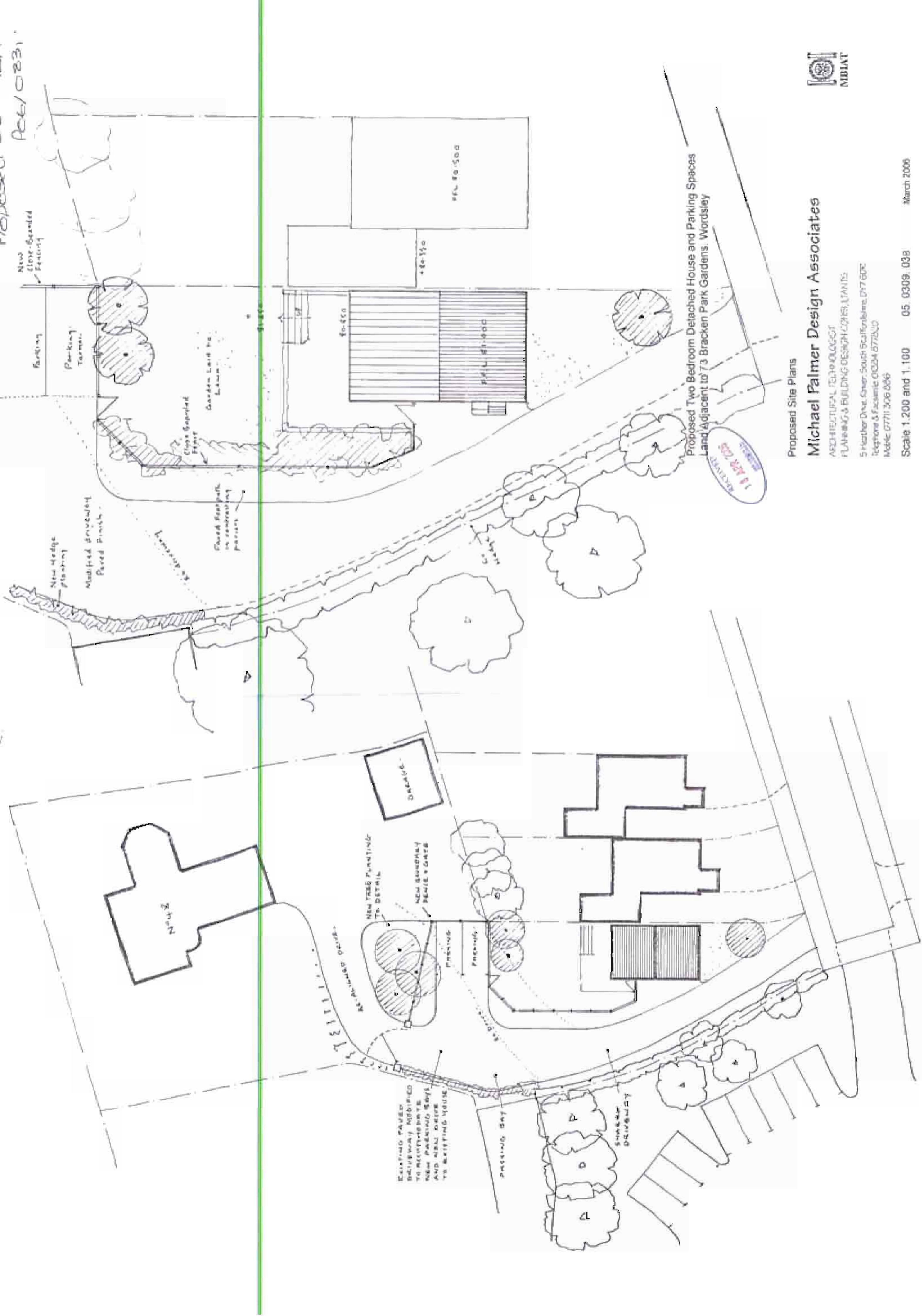
17. The development as carried out and as proposed does/would not have any adverse impact on the character of the area, residential amenity, or highway safety and therefore does not contravene Saved UDP Policy DD4.

## RECOMMENDATION

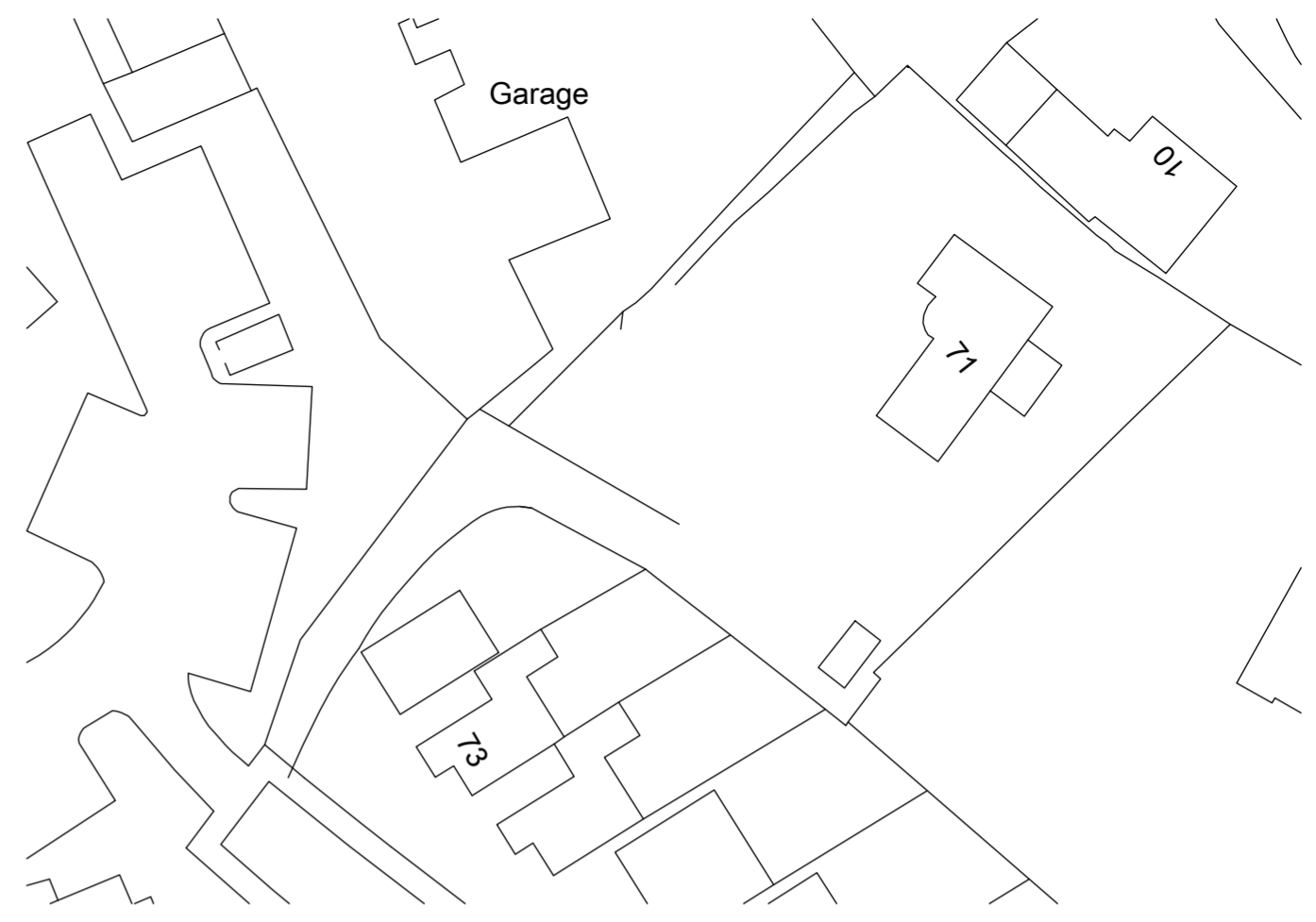
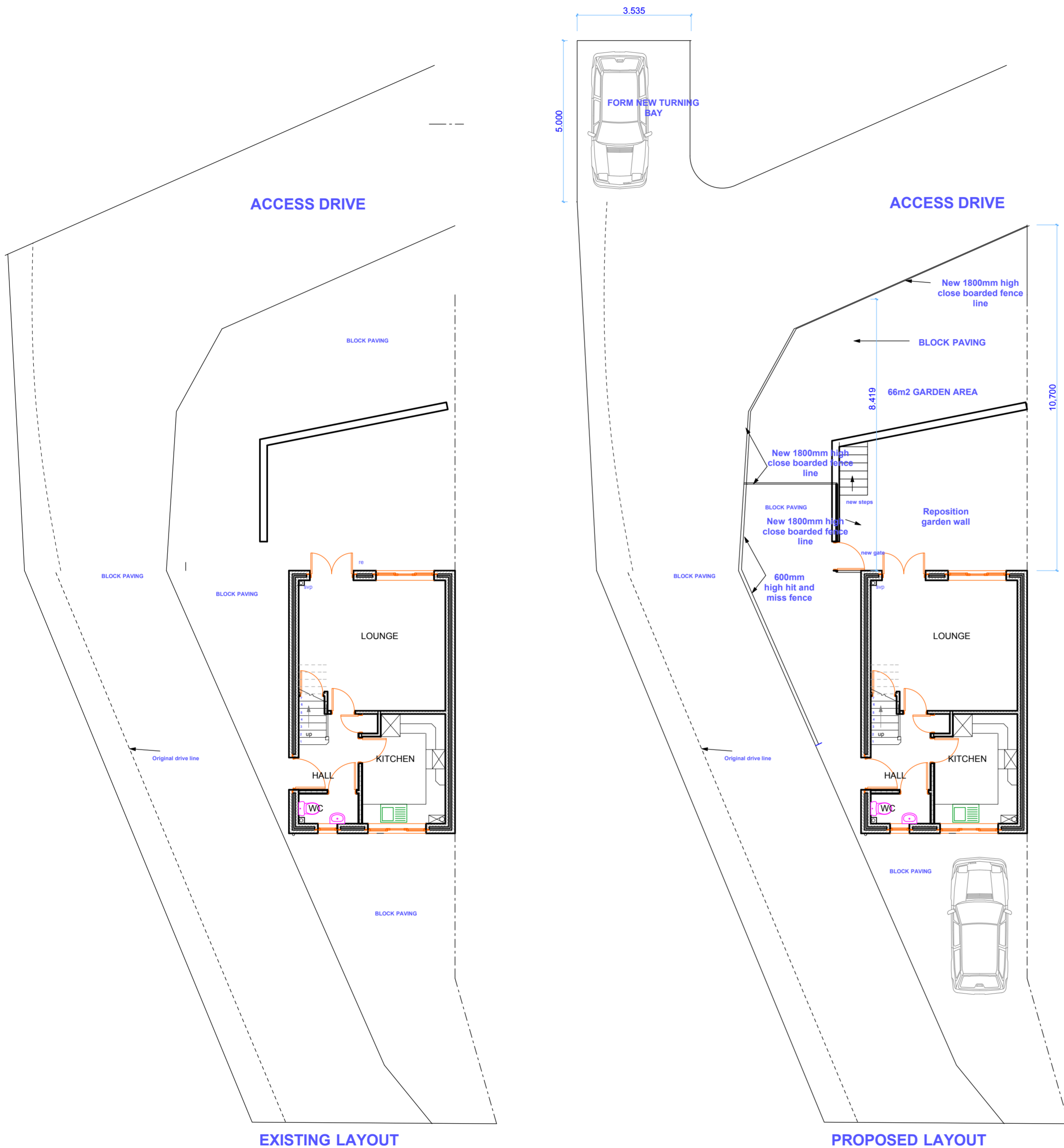
18. It is recommended that the application be approved subject to the following conditions:

### Conditions and/or reasons:

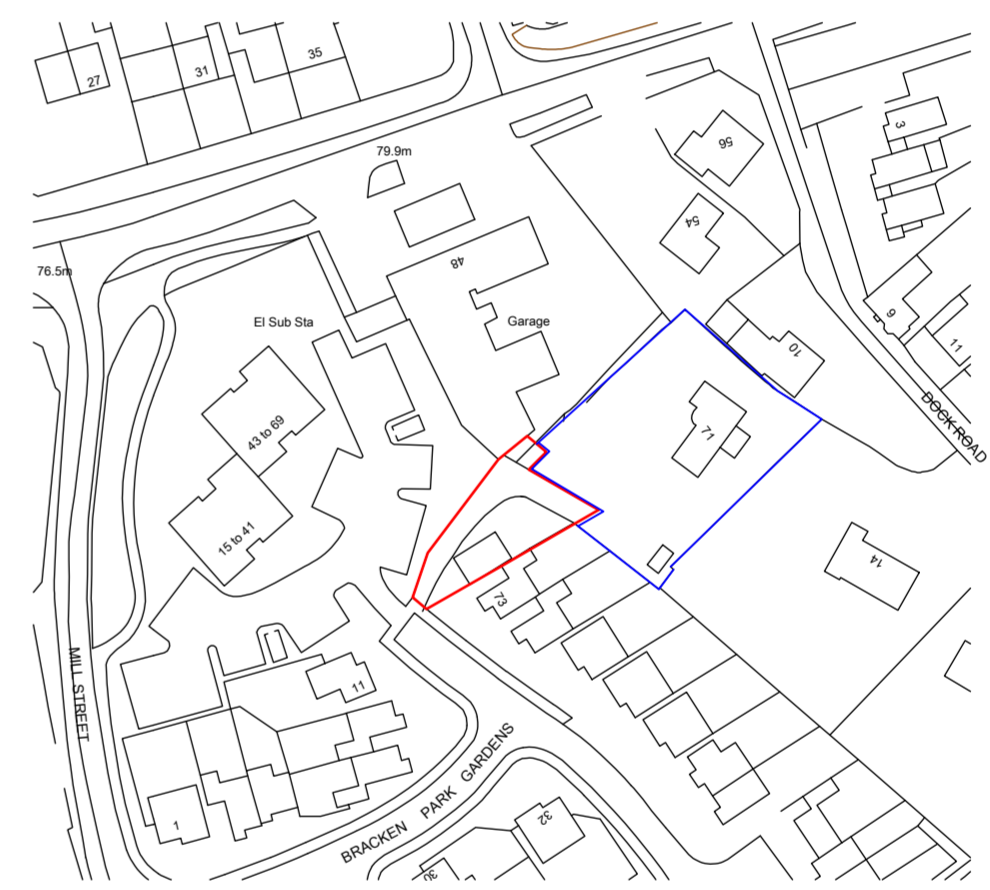
1. The turning bay shown on the approved plan shall be provided within two months of the date of this permission. The bay shall thereafter be retained in perpetuity and shall not be used for any other purpose than the parking or turning of vehicles.
2. The block paved area to the front of the building shall be retained in perpetuity and used for no other purpose than the parking of vehicles.
3. Within two months of the date of this permission full details of the proposed boundary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in full accordance with the approved details within two months of their approval and shall be maintained as such for the life of the development.







NORTH **BLOCK PLAN** 1:500



NORTH **LOCATION PLAN** 1:1250

rev e	600 mm high fence to the side of the building added	26-1-11
rev d	drivewayline altered	1-12-10
rev c	rear garden line revised and red line altered	9-11-10
rev b	rear garden line revised and red line altered	12-10-10
rev a	rear garden line revised	6-10-10

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'Alterations to Parking, Access and Garden Areas  
 73a BRACKEN PARK GARDENS  
 WORDSLEY  
 STOURBRIDGE  
 WEST MIDLANDS

Drawing No	1191-101	Date	AUG 10	Scale	1:100, 1:1250, 1:500	Drawn	MF
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