

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 24th July 2018**

**Application** 1

**Application Number:** 18/00756/FUL      **Application Expiry Date:** 21st May 2018

**Application Type:** Full Application

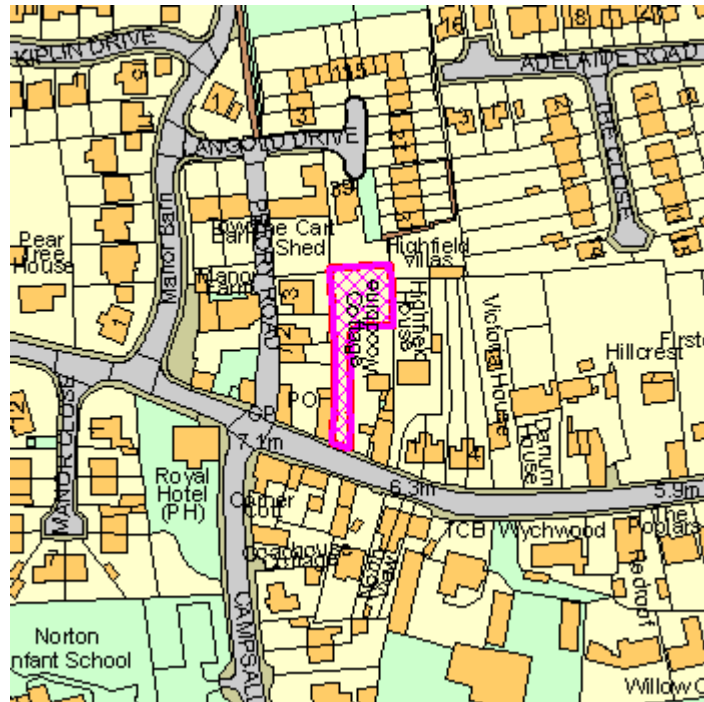
**Proposal Description:** Erection of single storey bungalow and detached garage.  
**At:** Rear Of Woodbine Cottage High Street Norton Doncaster

**For:** Anthony Medlock - TJL Homes Ltd

**Third Party Reps:** 14      **Parish:** Norton Parish Council  
**Ward:** Norton And Askern

**Author of Report** Alicia Murray

**MAIN RECOMMENDATION:** GRANT



## **1.0 Reason for Report**

1.1 This application is being presented to planning committee due to a significant level of interest shown in the application.

## **2.0 Proposal and Background**

2.1 The application is for full planning permission for the erection of a detached bungalow and garage with associated shared access on approximately 0.1ha of land. The application was originally submitted for a 1.5 storey dwelling with first floor windows at the south and roof lights to the east elevations, the building would have been 6.4m in height. However concerns were raised by the case officer and neighbouring residents regarding overlooking and dominance; therefore the application was reduced to single storey.

2.2 The site is currently the rear garden of Woodbine Cottage. The site lies at the heart of Norton and is bound by residential properties and the land rises to the rear of the site.

2.3 The application follows a 2016 outline which included a condition which restricted the dwelling to single storey. The restriction was to ensure that the design of the dwelling did not result in overlooking or significant harm to the neighbouring residents by way of a two storey dwelling.

2.4 The land rises from the roadside up to the rear boundary of the site; meaning any dwelling must be carefully considered as the land level is higher than the surrounding properties.

## **3.0 Relevant Planning History**

3.1 16/00680/OUT: Outline application for 1 single storey dwelling with associated shared access on approx. 0.1ha of land (All matters reserved); approved by planning committee on the 31.05.16.

## **4.0 Representations**

4.1 The application was advertised by means of site notice and neighbour letters. 14 representations have been received from 4 addresses; 2 people have commented in 2 of the 4 addresses - 3 times.

4.2 The objectors concerns are summarised below:

- o Feel there would be a loss of privacy and overlooking due to the land levels
- o Land levels are 1.5m higher than the properties to the rear
- o Loss of light to the neighbouring rear gardens
- o Harm to trees
- o Highway and pedestrian safety concerns with the proposed access
- o Concerns over the location of the building
- o Concerns over location of the dwelling and the position of any soakaways or drains

## **5.0 Parish Council**

5.1 The Parish Council initially raised concerns over the access to this property. Officers advised this was not raised as an issue under the 2016 application and highways raised no objections. The Parish Council raised no objections once reconsulted.

## **6.0 Relevant Consultations**

6.1 Drainage: No objections, they have requested a condition relating to surface and foul drainage; full details of the drain location and any soakaways will be submitted prior to commencement of development; in order to ensure there is no harm to the local drainage network.

6.2 Trees: Originally objected to the original submission over the position of the bungalow encroaching onto the RPA of tree 4. The scheme was then amended with the design and position of the dwelling altering, the tree officer objected once more as it was not clear if the plan outlined the RPA or canopy cover of the protected tree. The plans were amended for a third time, which overcame all of the concerns raised by the tree officer. The fourth amendment to reduce to single storey is also deemed acceptable by the tree officer and it is considered that there would be no harm to the protected tree on site.

6.3 Pollution Control: Requested a YAPACC assessment be completed and sent to the officer; this has been completed and the officer has requested un-expected land contamination conditions be included on the decision.

## **7.0 Relevant Policy and Strategic Context**

### **7.1 Saved Doncaster Unitary Development Plan (UDP)**

The land is allocated as Residential Policy Area.

PH11: Residential Policy Area  
ENV59: Tree Protection

Policy PH11 indicates that dwellings will appropriate in principle in these areas. The development should not be of a density or form detrimental to the area, or result in an over intensive development. The development should not detrimentally harm neighbouring amenity. Finally the proposal should not result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

Policy ENV59 aims to protect trees from harmful development.

### **7.2 Doncaster Council Core Strategy**

CS14 - Design and Sustainable Development  
CS16 - Valuing our Natural Environment

Policy CS14 sets out that development should be in keeping with the character of the area and not harm highway safety or the highway network.

Furthermore policy CS16 ensures that the ecology is protected and that protected trees are not harmed.

### **7.3 National Planning Policy Statement (NPPF)**

Section 7 - Requiring good design  
Section 11- Conserving and enhancing the natural environment

National Policy is now in the form of the National Planning Policy Framework (NPPF). This came into effect on the 27th of March 2012. The NPPF sets out the Governments planning policies and are a material consideration in planning decisions. The NPPF

replaces all PPS's/PPG's and constitutes guidance for local planning authorities and decision takers. The NPPF does not change the statutory status of the development plan as the starting point in decision making, however, at the heart of the NPPF is a 'presumption in favour of sustainable development'.

#### 7.4 Supplementary Planning Document (SPD):

1. Development Guidance and Requirements
2. Residential Backland and Infill Development

These offer advice on separation distances, amenity area sizes and impact of trees on development and vice versa.

### 8.0 Planning Issues

8.1 The principle of a dwelling on this site has already been accepted by the granting of the 2016 outline in line with the Residential Policy Area allocation. The main issues to consider are therefore the siting, design of the dwelling, its impact on nearby residents and its impact on adjacent trees and ecology.

#### Trees

8.2 It is important to safeguard and protect existing trees from development in line with Policy CS 16. The proposal has been amended with the dwelling moved into a better position in relation to the Sycamore (T4) within the neighbouring property to the east. The plan was amended again to show both the canopy spread of this tree and the root protection area, and to provide further details on the path which is proposed around the dwelling. The plans have been amended further to reduce to single storey, given the dwelling has not moved and the garage is outside of the Root Protection Area of the tree; the tree officer does not object and requests a piling condition to be added to the decision notice, along with a prior to occupation landscaping condition and other tree protection conditions.

#### Residential Amenity

8.3 Saved UDP policy PH 11 states that development for housing will normally be permitted except where; (b) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable. Policy CS14 also states that proposals should not create unacceptable negative effects upon the amenity of neighbouring land.

8.4 The scheme has been reduced to single storey, with only one roof light to serve the kitchen/dining room; but given the roof pitch, this window would only have an outlook of the sky and not any neighbouring properties. All the other windows would be at single storey and the majority will be enclosed by the 2m high close boarded fence; meaning the surrounding properties will have an outlook of the roof line and would not result in overlooking. Furthermore the separation distance to Woodbine Cottage is well over 21m. This separation distance is also felt to protect the neighbouring properties from a harmful degree of overshadowing.

8.5 The proposed detached garage would be located on the boundary with Highfield House; the garage would be 3.5m in height. The garage would be 12m away from the rear elevation of Highfield House and there would be no windows or roof lights; with just a garage door to the front elevation. Given the distance from the rear elevation and the height of the garage it is not considered that the garage would cause harm to the amenities of the residents of Highfield House.

8.6 The amenity area is shown to the side of the building. This is the furthest away from the road and would offer a decent amount of private amenity for the proposal. It is noted that this amenity space would be overshadowed by the protected tree; but given outline was given consent on this small site and any amenity space would be shaded, it is considered that the harm caused for the future occupiers would not be sufficient to warrant refusal of this application. Furthermore there is sufficient space un-shaded to the rear for the residents to hang out washing etc. Therefore, it is considered that the proposal will not cause significantly detrimental harm to the neighbouring properties and accords with policy PH 11 (b) and CS14.

8.7 Permitted development rights have been removed from the proposal by condition. It is felt that the proposal already takes up a large enough part of the site and if extended or outbuildings were erected this may leave little or no private amenity space or cause highway safety issues with reduced parking space. Furthermore if windows are added to the building this could create unacceptable levels of overlooking if their position is not carefully considered.

8.8 The concerns raised by the neighbouring residents are noted, regarding the land levels, overlooking and overshadowing; it is also noted that the previous outline consent restricted the reserved matters to a single storey dwelling, and the application has been amended to reflect this.

### Character

8.9 Policy CS 14 of the Core Strategy relates to design. Within this policy it is stated that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. Part (a) states that the components of development, including mix, layout, density, and form will be assessed to ensure that the development proposed is robustly designed, works functionally, is attractive, and will make a positive contribution to achieving the following qualities of a successful place; character, continuity, quality, stability, safety and security, permeability, legibility, adaptability, inclusive, vitality and sustainability. PH11 (a) further states that the development should be at a density or of a form which would not be detrimental to the character of the surrounding area and should not result in an over intensive development of the site.

8.10 There are properties set further back from the street scene in this area thus it is not felt that there is an overriding linear character to be protected and the garden development will not be out of keeping with the neighbouring density. The bungalow has a pitched roof to be sympathetic to the neighbouring dwellings design. The materials will tie this development in with the neighbours and needs careful consideration thus has been conditioned for further details.

### Highways

8.11 Policy CS14 ensures that highway safety is protected. The Highways officer requested swept path analysis from the agent, to ensure vehicles can leave the site in forward gear; this was submitted and there are no highway safety objections subject to conditions. The site can adequately provide off street parking for the proposal.

## **9.0 Summary and Conclusion**

9.1 The proposal is felt to acceptable as the proposal would not cause significant harm to neighbouring amenity, trees, or highway safety. The dwelling would not cause significant detriment to the character of the area and has been carefully designed to make the best of a site constrained by trees and separation distances. The application is therefore recommended for approval.

## 10.0 Recommendation

10.1 Grant Full planning permission subject to the following conditions.

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U62015            The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows; proposed plan no.7976 ref b dated received 03.07.18; proposed plan 7982 received 03.07.18; plan showing landscaping and boundaries received 02.07.18; correspondence received 02.07.18 outlining materials, landscaping, and boundary details; site plan received 15.06.18.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. DA01             The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.  
REASON  
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.
04. CON2             Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

05. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
06. NOPD1A Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.  
REASON  
The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.
07. NOPD3A Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.  
REASON  
The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.
08. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.  
REASON  
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
09. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in

accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

10. U62891

The external materials and finishes shall be 140mm coursed rubble artificial stone and grey double concrete pantiles; with white UPVC windows. The boundary treatment shall be 2m high close boards fencing and walls to match stone on the house.

REASON

To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.

11. U62892

Notwithstanding the foundation design shown on Drawing 7982 (dated 26/06/2018) prior to commencement of the development hereby granted a system of foundation design and installation building (pile and beam foundation for example) shall be submitted to and approved in writing by the Local Planning Authority. The system shall aim to minimise ground disturbance within the Root Protection Area of the Sycamore tree (T4 in the submitted survey). Installation of the foundation on site shall be in full accordance with the approved scheme.

REASON

To minimise the likelihood of damage to the root system of the Sycamore tree (T4) and to safeguard against the possibility of damage to the new dwelling by the root action of the tree.

12. U62893

Notwithstanding the tree protection plan within the revised Phase 2 Pre-development Arboricultural Report (Dated 06/06/2018 page 19 - Plan 3 Tree Protection Plan) prior to the commencement of the development hereby granted a scheme for the protection of the Sycamore (T4 in the submitted survey) that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development and the LPA Trees and hedgerows officer is to be invited to check the protection fencing once installed, thereafter it shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that retained trees are protected from damage during construction.

13. U62894

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement that complies with British Standard



5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of:

- o the working methods to be employed to protect the rooting system of the Sycamore (T4) during the installation of the specialist foundation and the construction of the above ground part of the building,
- o the working methods to be employed to protect the rooting system of the Sycamore (T4) during the installation of utility services and drains etc.
- o the working methods to be employed to protect the rooting system of the Sycamore (T4) during the installation of the site boundary treatment (fencing)

**REASON**

To minimise damage to the root systems of trees that are shown for retention on the Approved Plan

14. U62895 The alignment of all service trenches and overhead services shall be approved by the Local Planning authority prior to the commencement of development'

**REASON:**

To prevent damage being caused to trees which it has been agreed shall be retained

15. U62896 The development hereby granted shall not be commenced until a schedule of tree surgery work (for T4 if needed) has been submitted to and approved in writing by the Local Planning Authority. Best arboricultural practice shall be employed in all work, which shall comply with British Standards BS3998: 2010 tree works recommendations and, unless as may be specifically approved in writing by the Local Planning Authority, all tree work shall be completed before the development commences.

**REASON:**

To ensure that all tree work is carried out to the appropriate high standard

01. INF1B **INFORMATIVE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

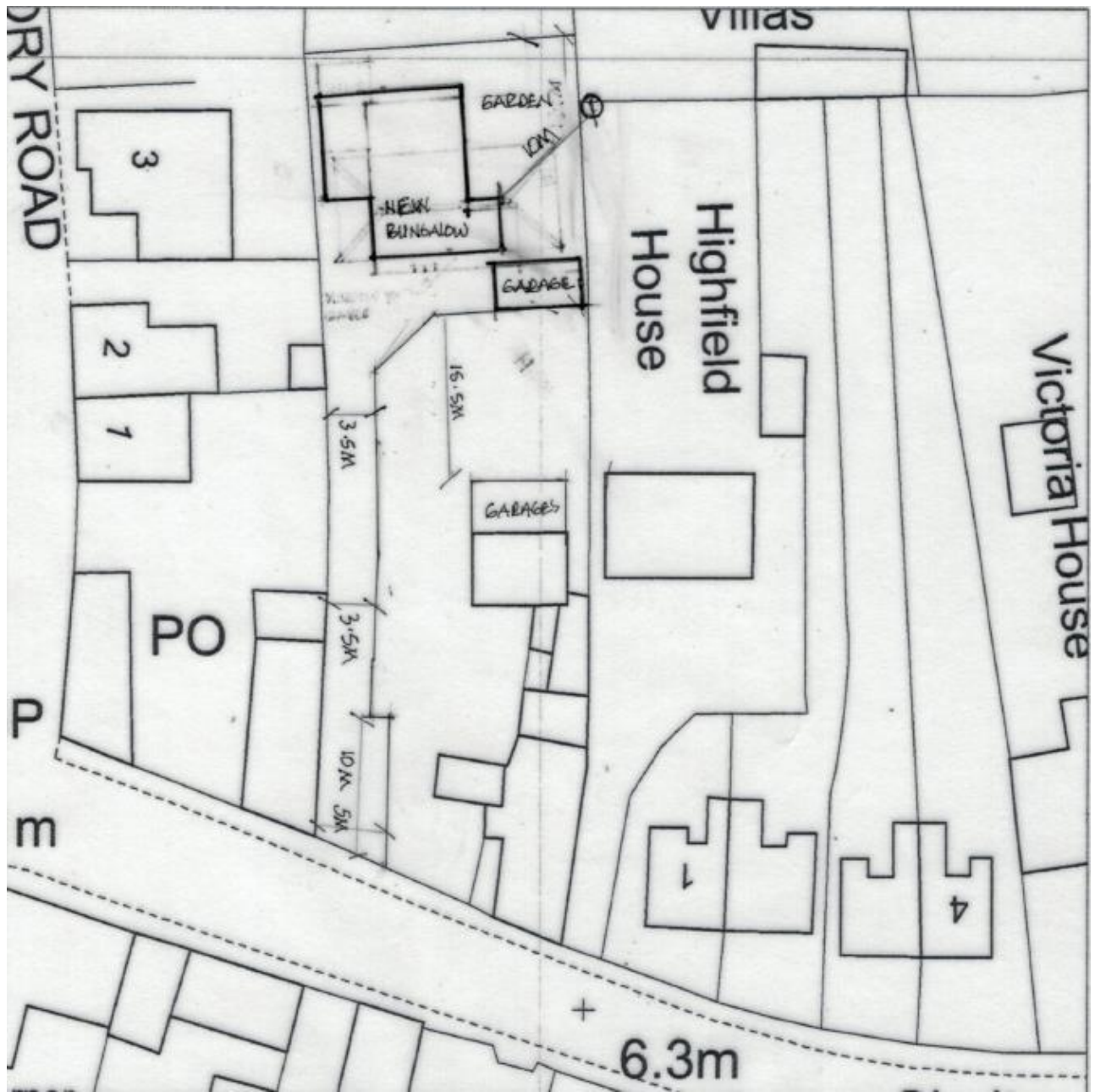
This Standing Advice is valid from 1st January 2017 until 31st December 2018

02. U12628      The Sycamore tree on the East boundary of the development site within the rear garden of Highfield House, High Street, Norton, Doncaster, DN6 9EH is subject to Doncaster Borough Council Tree Preservation Order (No.402) 2018 Highfield House, High Street, Norton. It is a criminal offence to wilfully damage a tree subject to a Tree Preservation Order. Preventing damage to the tree is in the interests of tree health and also in the interests of safety of persons and property. It is advised, therefore, that during the construction of the development hereby approved the following activities are prevented from occurring:
- 1) the stockpiling of building materials under the canopy of the Sycamore at the site on unprotected ground
  - 2) the parking or operating of machinery under the canopy of the Sycamore or within the RPA
  - 3) the movement of traffic over root system
  - 4) fires within the vicinity of the Sycamore
  - 5) chemical spillages (including the rinsing out of cement mixers) under the canopy or within the RPA of the Sycamore

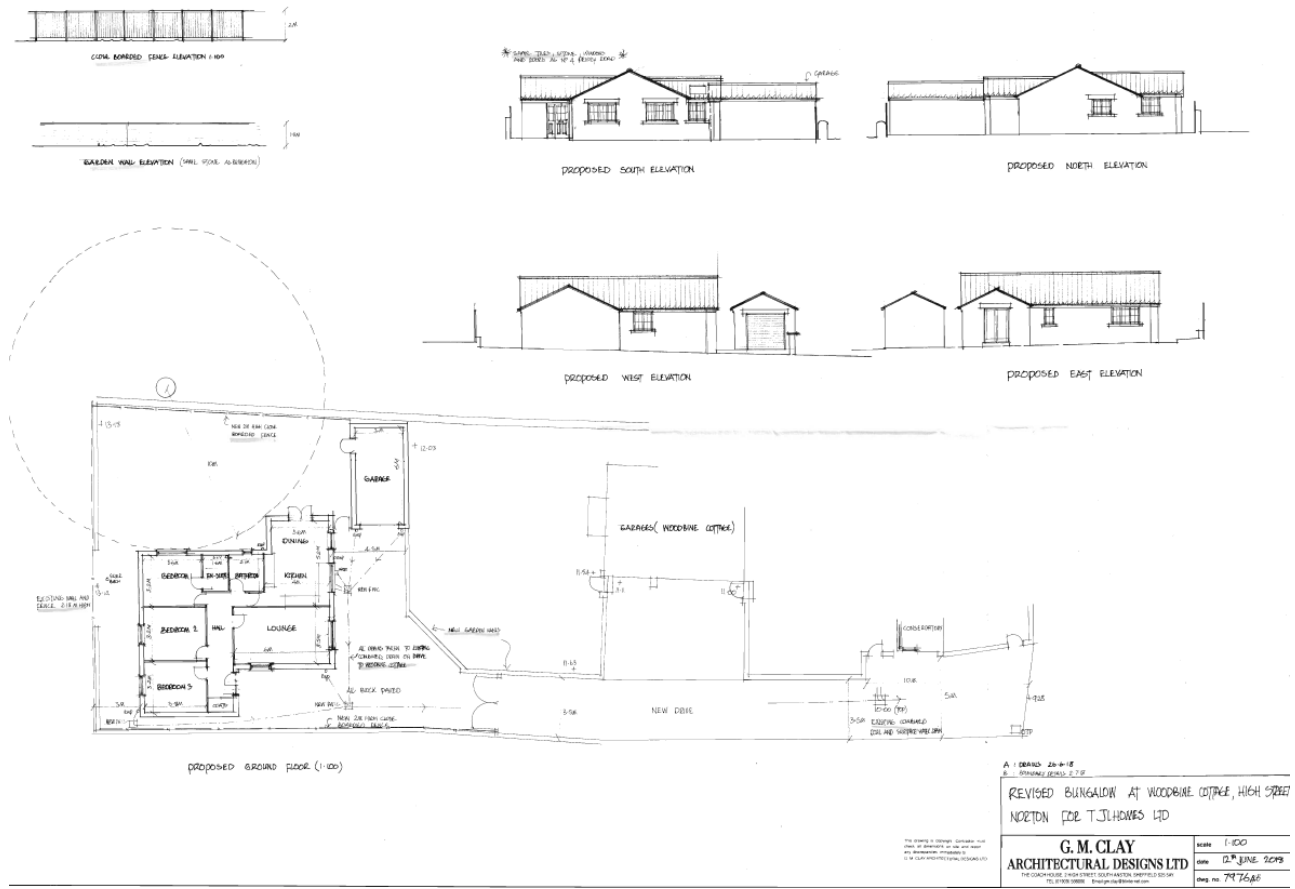
The tree consultant who writes the tree protection plan and method statement will need my detail to include in the contact details section so please feel free to forward my direct phone number or email on if needed.

**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**

Appendix 1: Proposed Site Plan



# Appendix 2: Proposed Plans



# Appendix 3: Proposed Floor Plan and Section

