
F/YR20/1078/O

Applicant: Mr John Mortlock

**Agent : Mr Craig Brand
Craig Brand Architectural Design
Services**

**Land West Of 8-9 Hawthorne Grove Accessed From, Acacia Grove, March,
Cambridgeshire**

**Erect a dwelling (outline application with matters committed in respect of access)
involving the demolition of existing garage/store and garden room**

Officer recommendation: Refuse

**Reason for Committee: Referred by the Head of Planning on advice of the
Committee Chairman**

1 EXECUTIVE SUMMARY

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| <p>1.1 This application is for the subdivision of the gardens of No 8 and No 9 Hawthorne Grove and the erection of a new dwelling, including the demolition of a garage and garden buildings</p> <p>1.2 The application is in outline with only access committed at this stage and reuses the existing access to the garage of No 9 Hawthorne Grove which is off Acacia Grove.</p> <p>1.3 Illustrative drawings show a 2 storey dwelling of similar design and scale to the adjacent properties on Acacia Grove which is considered to be acceptable.</p> <p>1.4 However, there are concerns about the amount of overlooking from the rear of the proposed dwelling into the rear gardens of Nos 6 and 7 Hawthorne Grove, and the closeness of the rear windows of the proposed dwelling and No 7 which would only be 15.5m apart.</p> <p>1.5 It is considered that due to the proximity of the proposed dwelling (likely to be 2 storey) to the rear curtilage and rear elevation of Nos 6 and 7 Hawthorne Grove the proposal would not create nor protect and retain an acceptable level of privacy for the existing and future occupiers of these properties. As such it would fall short of the level of amenity required by new development as set out in Policies LP2 and LP16.</p> <p>1.6 The recommendation is therefore to refuse the application.</p> |
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2 SITE DESCRIPTION

- 2.1 The site is to the east of 18 Acacia Grove in March but forms part of the rear garden of No 8 and No 9 Hawthorne Grove which are sited at right angles to Acacia Grove. The site includes the garage, a garden room, store and parking area serving No 9 Hawthorne Grove.
- 2.2 Within the vicinity, the development is laid out in blocks of detached/ semi-detached houses mostly built at the same time with gardens of a similar length (each plot measuring approximately 38m long).

- 2.3 These corner plots often gain access to their garages and parking spaces from the adjacent road, as is the case here with No 9 Hawthorne Grove. The site measures 11.5m wide (frontage to Acacia Grove) and 19.75m deep. The site is within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is in outline with only access committed at this stage. The proposed access will utilise the dropped kerb currently serving the existing garage.
- 3.2 The Illustrative drawing has been amended during processing in response to the Officers concerns/comments. Drawing 522-1-Rev C shows a detached, 2 storey, 3 bed dwelling with attached single garage. One parking space is shown (5.2m x 2.6m). The garage/ store measures 3.3m x 7.2m. The illustrative design with hipped roof and ground floor bay window is similar to those in the vicinity. The footprint of the dwelling is shown as 6.7m x 8.8m. The building line is shown to follow that of 18 Acacia Grove which would result in the rear garden having a depth of 7m.
- 3.3 The replacement parking to serve the host dwelling is to be provided to the front of No 9 Hawthorne Grove in a tandem arrangement (2.7m x 10m) served from a new dropped kerb off Acacia Grove. The illustrative plan also shows an alternative option to create a new access off Hawthorne Grove.
- 3.4 At the request of Officers, the latest revision shows the proximity of the proposal to the neighbouring properties No 6 and No 7 Hawthorne Grove.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QJN2D7HE06P00>

4 SITE PLANNING HISTORY

None

5 CONSULTATIONS

5.1 March Town Council: Recommend approval

5.2 FDC Environmental Services: Recommend approval with condition

There are no implications for local air quality with this proposal.

There are no implications with noise being created by this proposal and there are no local noise sources which could adversely affect the house and occupants.

There are no issues with ground contamination. or any known former contaminative use. However, I would request that the standard unsuspected ground contamination condition is attached to any consent granted:

UNSUSPECTED CONTAMINATION

CONDITION: If during the development, contamination not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted and obtained, written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

5.3 CCC Highways
21.12.2020

The parking and access arrangement for the proposed property is similar to the existing arrangement for the parent property. This is therefore considered acceptable.

The revised parking access arrangement for the parent property is very close to a junction. It would be better if tandem parking was provided along the side of the parent property with access off Hawthorne Grove. That said, the agent has detailed low walls around the proposed access, which provides good inter-visibility between drivers emerging from the access and other highway users.

For this reason I am unable raised any objection to the proposed arrangement.

For clarity the agent should detail the wall south of the proposed access as being 0.6m in height. For clarity and ease of condition wording the agent may be minded to detail pedestrian splays either side of the new access. The access should detailed as being sealed and drained 5m deep and for the width of the access to prevent gravel migrating into the footway.

Defer for amended plans.

23.12.2020

In response to the amended plan 522-1-Rev A (which is similar to Rev C in terms of the new access to the host dwelling):

Is the applicant open to the idea of changing the access to the alternative? This would provide a better parking arrangement for the parent property and would reduce the amount of engineering required to the garden frontage.

Local Residents/Interested Parties

- 5.4** Four letters of objection were received from the occupiers of No 6 and No 7 Hawthorne Grove following the first consultation in November/December 2020
Concerns include:

Backfill/Overdevelopment

I thought building in back gardens had stopped(backfill)!! Overdevelopment of the site, the proposal is out of character with the area. To build the proposed property , it needs both No 8 & 9 Hawthorne Grove rear gardens to accommodate it, thus proving that the site is too small, making the proposed property being built closer to neighbouring properties (including mine), which then causes problems with overlooking and loss of privacy.

Density/Over development

Devaluing property

Drainage/ Flooding

If there was to be a problem in the future with drainage, who's responsibility would it be to rectify it? When there is a heavy rainfall, the junction of Acacia Grove and Hawthorne Grove is underwater spreading across the junction of both roads.

Local services/ schools unable to cope

Loss of view/Outlook

Parking arrangements/ Traffic highways

Another back garden property with a garage for one car and the original property with cramped area for two cars parked across the front of the house. The difference with this one is that leaving the house would involve reversing with a right hand blind spot over the pavement on the inside corner of the busy T junction while avoiding the many children going to and from junior and infants schools. A very dangerous situation.

The parking arrangements at No 9 is dangerous, due to them having to reverse out on to a T junction on a corner, with a blind spot. With a Junior and Infant school very close by and parents walking to and from the schools with their children on the pavement, it will be an accident waiting to happen. With No 9 and the proposed build, this could result in a large number of cars parking on an already gridlocked Acacia Grove, causing even more problems with the school run parking

Proximity to property/ Overlooking/loss of privacy for Hawthorne Grove residents
The plot is not large enough for a three bedroom house and taking part of No 8's garden (or so called storage space), makes the proposed property too close to the neighbouring boundaries. I will have a large bedroom window that overlooks my property and garden causing loss of privacy.

Visual Impact/ Out of Character with Area
The visual impact would be a 3 bed out of character house squeezed onto a small plot to fill a gap. It will be out of character and not in keeping with the 1930's houses that will be either side of it.

- 5.5** On 16th December a statement was received from the Agent in response to the first consultation and neighbours' concerns above. Key points raised were:

House design/ Character of the area/ Backfill/ Over development
The application seeks to establish the principle of constructing a new dwelling re-using the existing vehicular access serving the current garage to 9 Hawthorne Grove. The house design is purely illustrative to show that a new dwelling can be achieved on the site to be in keeping with the existing streetscene as evidenced by the photograph on page 5 of the Design and Access Statement. The comments of "design, appearance, out of character, not in keeping with the area" are disproven by the illustrative dwelling design by the bay window and hipped roof commonly found in Acacia Grove and Hawthorne Grove.

The assertion that it is "backfill" is unfounded as the new dwelling will be frontage development in keeping with the building line of the existing properties on Acacia Grove.

The proposal is for a single dwelling so there is no "over development of the site" and will not seriously effect "local services and schools." In fact the proposal is aimed at a young family with children attending the nearby nursery, infant and junior school on Maple Grove, saving the daily drive and find a parking space.

Parking/ Highways
The illustrative proposal provides 2 car parking spaces as required in the form of the garage with a second space in front; or in front of the house as found at 18 Acacia Grove. The removal of the existing 1.8m high fence and hedge which obstructs pedestrian visibility to the existing garage and also 18 Acacia Grove's vehicular entrance will improve pedestrian safety; when the owners reverse off their properties and for pedestrians using the footpath.

In respect to 9 Hawthorn Grove, the 2 spaces shown and the point of access shown are a suggestion. The access point can easily be amended to be off Hawthorn Grove with the second space at the side of the house. The parking in the front gardens of Hawthorne Grove is common practice in the area, used by No 7 and 8 Hawthorne Grove, so 9 will be no different.

Reversing out from either properties will be no worse than any other property in Hawthorne Grove or Acacia Grove in fact it will be better due to the modern pedestrian visibility standards applied with no front boundary treatments over 600mm high.

Street parking at school times and after working hours are always a problem where old existing housing took no consideration for cars or their parking provision. The problem is exacerbated with the majority of families now having 2 cars in the household along with work vans. The proposal can achieve 2 car parking spaces for each property, traffic movements are likely to be before school times and after due to householders working hours. There will be minimal, if any effect on street parking spaces due to off road parking provision provided on each property.

Drainage/ Flooding

The objectors' letters also raise comments on flooding on the corner of the road junction. This is not a flooding issue but a lack of capacity in the storm water sewers during an intense thunderstorm of duration; when the minor road (Hawthorn Grove) run off drains cannot be catered for in the major road (Acacia Grove) storm drain because of the heavy flow it has already collected from the surface of the road and house roofs. All compacted gardens (lawns) have water lay on the surface during heavy storms but drain into the ground within a few hours afterwards. Modern Building Regulation requirements ensure new dwelling roofwater is adequately discharged; it has to be remembered that the existing buildings on the application site take their drainage to somewhere and a new property will not be much larger.

- 5.6** In January 2021 a second consultation was undertaken with the neighbours on revised drawing Rev B as well as the Agent's Statement above. Rev B shows a reduction in the size of the rear first floor windows and proposes Bedroom 1 to the rear rather than the front. It should be noted that the design of the dwelling is purely illustrative at this stage as the details are a reserved matter. More detail has been added to the plan with regard to the proposed parking to the new dwelling and the replacement parking to be provided to the host dwelling. It should also be noted that the latest revision (Rev C) is the same as Rev B the only difference is that it includes the location of the neighbouring properties No 6 and No 7 Hawthorne Grove plotted on the drawing at the request of the Officer.

The neighbours' comments/ concerns were as follows:

- *Switching the bedrooms makes no difference to loss of privacy in my garden. The only thing different to me is the windows overlooking my garden have been slightly reduced in size which makes very little difference to me being overlooked but numbers 8 & 9 Hawthorne Grove are not.*
- *The changed parking for No 9 now shows a dropped kerb option on Hawthorne Grove allowing for tandem parking along the side of the property, this still is too close to the T- junction. Visibility is blocked by parked cars. This T Junction is only 200m from the rear entrance to one of two infant schools. The footfall is very busy at this junction during school days.*

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2019

Context
Identity
Built Form
Movement

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- **Principle of Development**
- **Access**
- **Indicative Layout, Scale, Appearance and Replacement Parking**
- **Residential Amenity**
- **Other Considerations**

9 ASSESSMENT

Principle of Development

- 9.1 The proposal is in outline with all matters reserved except for access for the construction of a single dwelling, following the demolition of a garage and outbuildings. The application site is located within the market town of March, which is one of four settlements within which the majority of the District's new housing development is proposed according to Policy LP3 of the Fenland Local Plan 2014. Policy H2 of the March Neighbourhood Plan 2017 also supports Windfall Development.
- 9.2 Notwithstanding this, in this instance, it is considered that the subdivision of the rear gardens of Nos 8 and 9 Hawthorne Grove to allow for the erection of a new dwelling facing onto Acacia Grove would impact detrimentally on the residential amenity of neighbouring properties for the reasons set out below. Therefore the principle of the subdivision and redevelopment of these rear gardens is not considered to be acceptable in this instance.

Access

- 9.3 Only the access to the new dwelling is committed at this stage. The proposed dwelling will utilise the existing access used by No 9 and therefore there is no

objection to this aspect of the proposal, subject to parking, visibility splays and drainage being satisfactorily addressed by planning condition.

Indicative Layout, Scale, Appearance and Replacement Parking

- 9.4 Policy LP16 requires new development to deliver and protect high quality environments and make a positive contribution to the street scene.
- 9.5 Details of the proposal are to be submitted for consideration as part of a reserved matters application. Although it is indicated from the submitted information that the property will be 2 storey and of a similar scale and appearance to the direct neighbour in the street scene, No 18 Acacia Grove. However, the proposal includes an attached single garage. Due to the relatively restricted depth of the plot, there are limited options for siting the dwelling elsewhere within the plot. The illustrative layout places the frontage of the proposed dwelling in a similar line as No 18 Acacia Grove. This then allows for a rear garden depth of 7m (11.5m wide). Two appropriately proportioned parking spaces including the garage could be possible to serve the new 3 bed dwelling which would meet the parking standards and the illustrative design has the potential to comply with Policy LP16.
- 9.6 Details of the replacement parking to serve the host dwelling has been amended in response to the Highways Officer's comments. The neighbour objections have also raised concerns with regard to road and pedestrian safety.
- 9.7 The Highways Officer acknowledges that the replacement parking and access arrangement for No 9 Hawthorne Grove would be very close to a junction and it would be better if tandem parking was provided along the side of the parent property with access off Hawthorne Grove. But he also acknowledges that details have been provided of the low walls around the proposed new access, which provides good inter-visibility between drivers emerging from the access and other highway users and for this reason is unable to raise any objection to the proposed arrangement.
- 9.8 In response the agent has provided an amended plan which shows a new access off Acacia Grove but also an alternative vehicular access from Hawthorne Grove.
- 9.9 The Highways Officer has requested that the agent uses only the alternative access off Hawthorne Grove as this would provide a better parking arrangement for the parent property and would reduce the amount of engineering required to the garden frontage. Notwithstanding this, Officers do have concerns about the proximity of the new parking to the front door of No 9 Hawthorne Grove and the impact on the street scene of this amount of parking to the front of No 9. If the proposal was acceptable in all other areas, the applicant would be invited to consider a better arrangement for the replacement parking.

Residential Amenity

- 9.10 Policy LP2 (last bullet point) requires development proposals to positively contribute to creating healthy, safe and equitable living environments through the avoidance of new development causing adverse impacts and refers to Policy LP16. Policy LP16 (e) seeks to ensure that development is of high quality and does not adversely affect the amenity of neighbouring or future users.
- 9.11 The proposed two-storey property will inevitably have bedroom windows at first floor level located within the rear elevation. The illustrative drawing (Rev C) now shows Bedroom 1 and the bathroom window facing south with views into the rear gardens of No 6 and 7 Hawthorne Grove, which will be only 15m and 7m

(respectively) from this rear elevation. It is considered that the potential impact from this overlooking would be significantly detrimental when compared to the private amenity currently enjoyed by the occupiers of these properties. Furthermore, both these neighbouring properties benefit from 2 storey rear extensions with first floor windows. There would be (approximately) 15.5m distance between the proposed rear windows and existing window to No 7. Although the views would be angled (approximately 45 degrees), this is also considered to add to the detrimental impact of the proposal on the amenity of the occupiers of the existing properties and also be detrimental to the occupiers of the proposed dwelling.

9.12 Whilst it is noted that the elevational treatment of the proposed dwelling is illustrative only, due to the proposal site being surrounded by residential properties, it is considered that there is little opportunity to relocate the bedroom windows to alternative side elevations, without it resulting in similar overlooking.

9.13 It is therefore considered that the proximity of the proposed dwelling to the rear curtilage and rear elevation of Nos 6 and 7 Hawthorne Grove would impact adversely on the living environment and amenity of the occupiers of these properties (Policies LP2 and LP16)) and would not deliver a high quality environment for the future occupiers of the proposed dwelling (Policy LP16). For all the above reasons the proposal is considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014. Policy H2 (a) of the March Neighbourhood Plan 2017 requires proposals to not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of proposed dwellings. With regard to the impact of proposals on existing neighbouring properties, Policy H2 (a) refers to Policy LP16.

Other Considerations

9.14 The agent has submitted further justification for the development. The key points are set out below:

- *The first floor bedroom extension window of No7 is also just visible through the Eucalyptus tree. As indicated on the site layout plan a separation distance in excess of 15m can be achieved between bedroom windows, which is currently impeded by the Eucalyptus tree.*
- *The only overlooking will be of the neighbouring gardens immediately behind the proposed new dwelling which is shown to be positioned a minimum of 7m from the boundary to No7; which is the same distance as approved for 5 Ash Grove, built on a virtually identical sized plot under reference F/YR13/0281/RM. The same property also has virtually the same rear elevation.*

9.15 The presence of the Eucalyptus tree is not considered to be adequate justification to allow the proposal nor is it considered to be appropriate mitigation to prevent the overlooking into the proposed and existing windows, as it could be removed in the future.

9.16 The development at Ash Grove referred to by the agent was approved in outline in 2011 (F/YR11/0118/O). This was prior to the adoption of the Fenland Local Plan 2014 and the updated policies relating to residential amenity. It is accepted that there are a number of similarities between this application and the Ash Grove development, including the 7m depth of the proposed rear garden and the amount of overlooking into the neighbouring rear gardens. Officers now consider that this is amount of overlooking not acceptable.

9.17 A key difference however is the distance between the rear elevation of No 32 Maple Grove and the Ash Grove property which was 25m compared to 15m with this proposal. For the above reasons the tow developments cannot be considered on a like for like basis.

10 CONCLUSIONS

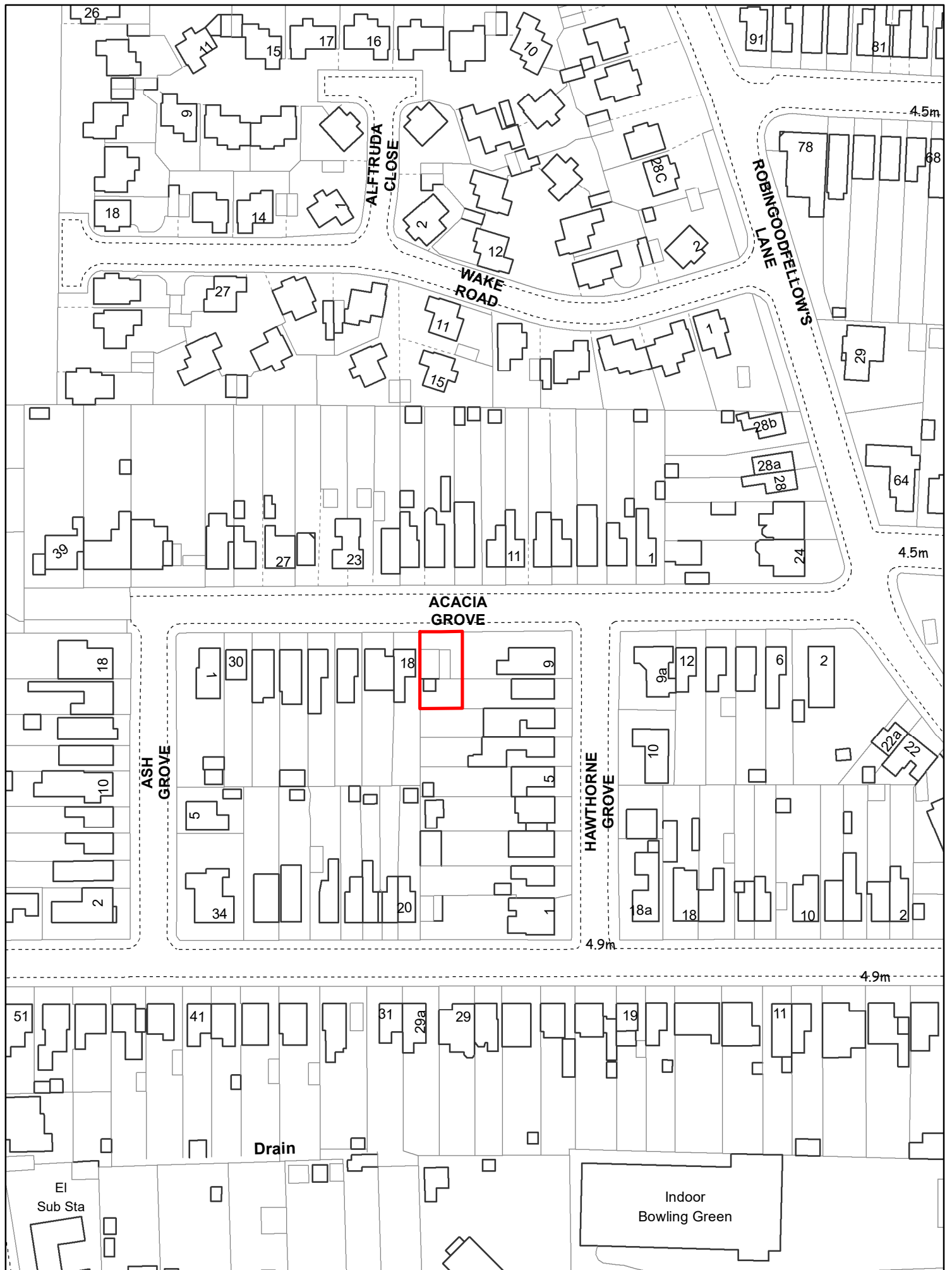
10.1 The purpose of an outline planning application is to establish the principle of development on a site and the purpose of the accompanying illustrative details is to show how that development could be 'reasonably' accommodated and to allow reasonable assumptions to be made as to character and amenity impacts. The details illustrated show that while a conventional, and therefore likely, dwelling could reasonably be accommodated in terms of character impact, such a dwelling would inherently have relationship issues with surrounding properties due to the constrained length of the plot, and the proximity of existing neighbouring dwellings. While matters of detail are reserved for future consideration it is not considered a likely or reasonable prospect that a future dwelling proposed would not have first floor bedroom windows in the rear elevation and that neither both adequate relationships or acceptable living conditions could be achieved.

10.2 In conclusion, it is therefore considered that the proximity of the proposed dwelling to the rear curtilage and rear elevation of Nos 6 and 7 Hawthorne Grove would impact adversely on the living environment and amenity of the occupiers of these properties (Policies LP2 and LP16)) and would not deliver a high quality environment for the future occupiers of the proposed dwelling (Policy LP16). For all the above reasons the proposal is considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014, and Policy H2 (a) of the March Neighbourhood Plan 2017.

11 RECOMMENDATION

Refuse for the following reason:

1	<p>Policy LP2 of the Fenland Local Plan 2014 requires development proposals to positively contribute to creating healthy, safe and equitable living environments through the avoidance of new development causing adverse impacts. Policy LP16 of the Fenland Local Plan 2014 seeks to ensure that development is of a high quality and does not adversely affect the amenity of neighbouring or future users.</p> <p>Due to the illustrated proximity of the proposed dwelling (indicated as being two storey) to the rear curtilage and rear elevations of Nos 6 and 7 Hawthorne Grove the application has failed to adequately demonstrate that a future dwelling on the site would create or protect and retain a high quality environment which would facilitate the required level of amenity and avoid any adverse impacts required by new development as set out in LP2 and LP16. The proposal is therefore considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
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Created on: 17/11/2020

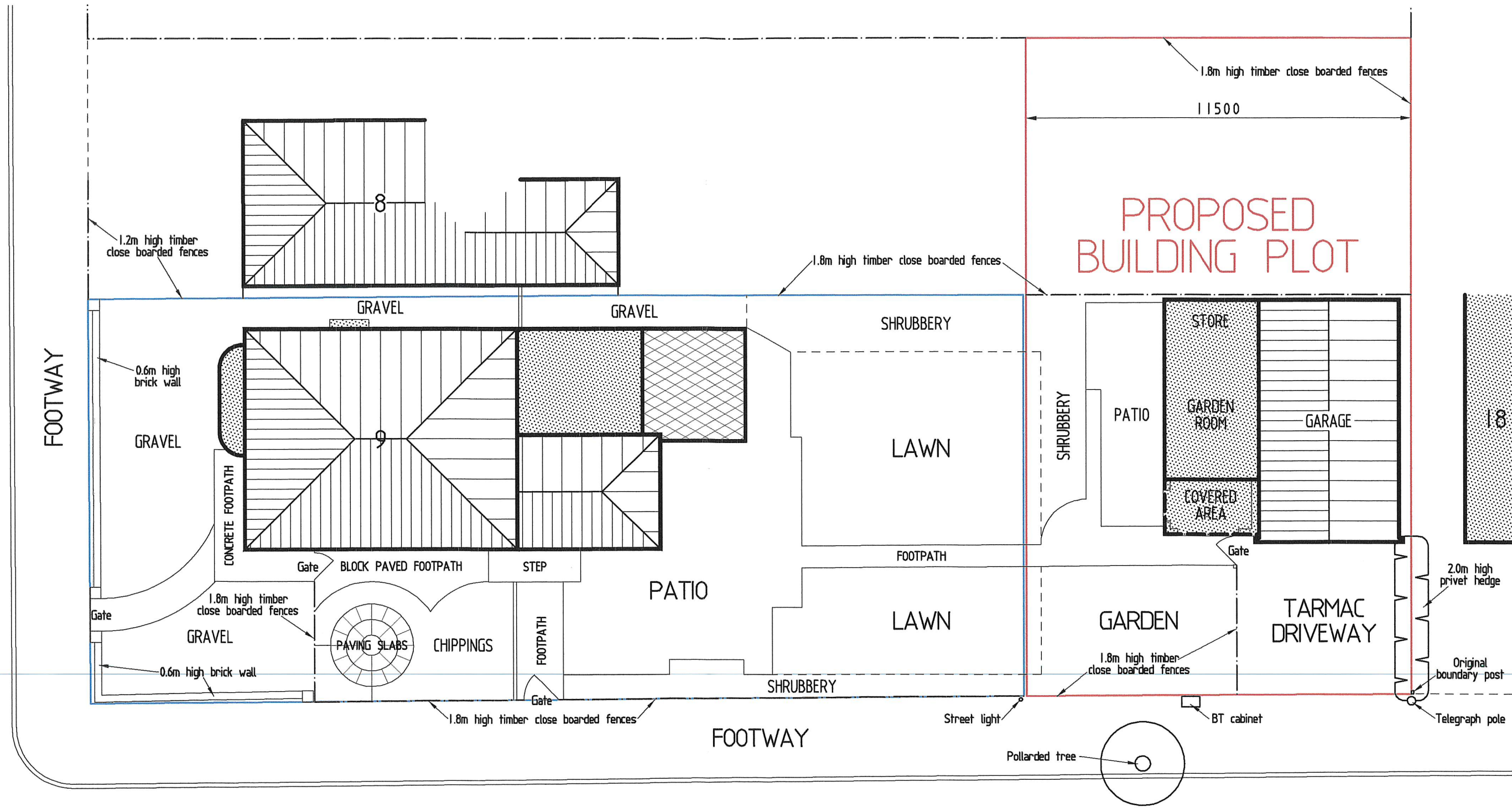
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Scale = 1:1,250



HAWTHORNE GROVE



ACACIA GROVE

Drawing Title:-
 OUTLINE PLANNING PERMISSION FOR THE ERECTION OF
 A SINGLE TWO STOREY DWELLING ON LAND WEST OF
 9 HAWTHORNE GROVE, MARCH FRONTING ACACIA GROVE
 ILLUSTRATIVE PLANNING APPLICATION DRAWING

Client:-
 Mr JOHN MORTLOCK,
 5 WINDSOR DRIVE, MARCH

Scales:-
 1:125

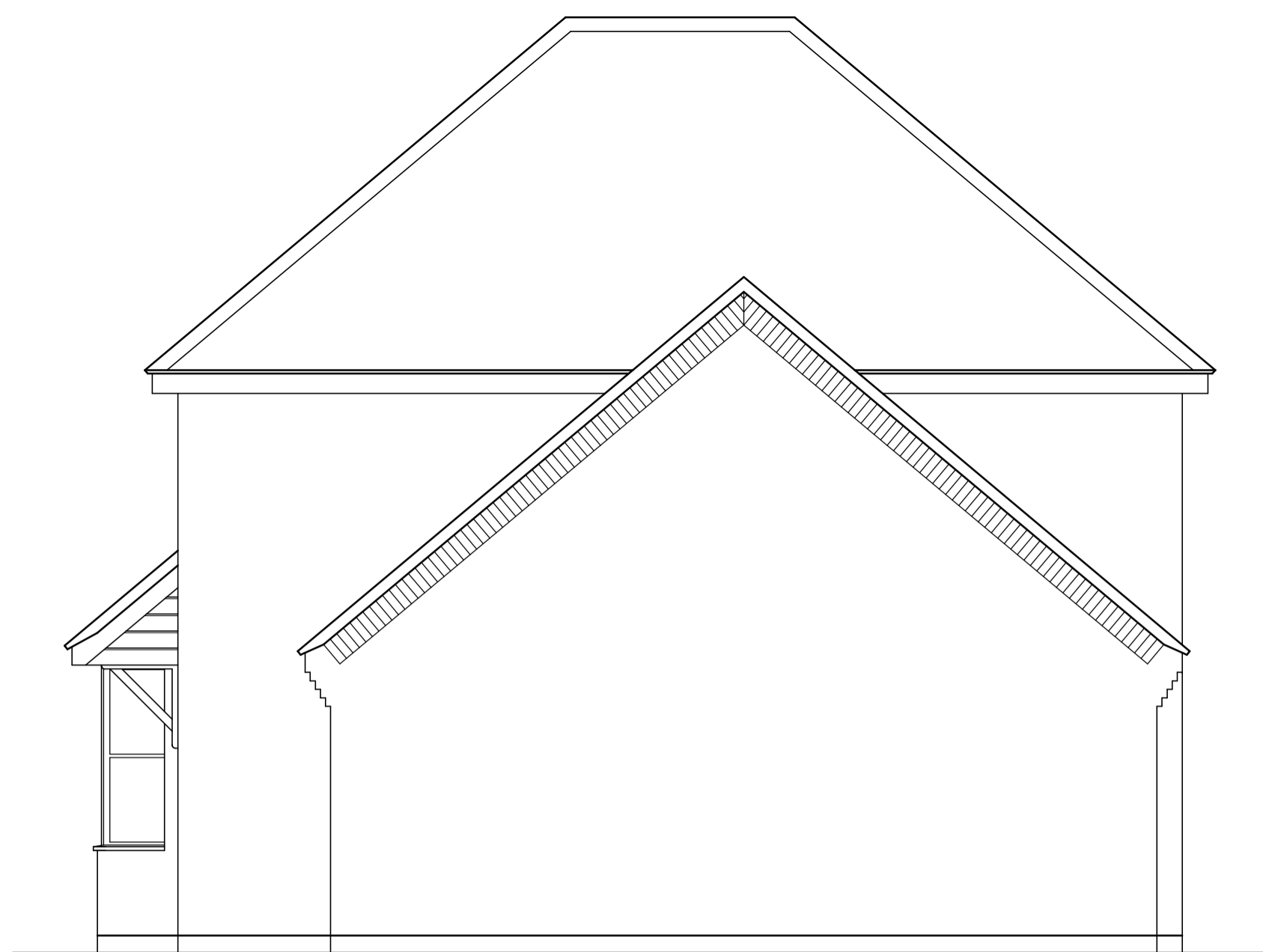
Date:-
 OCTOBER 2020

Drawing No:-
 CAD 522 / 0

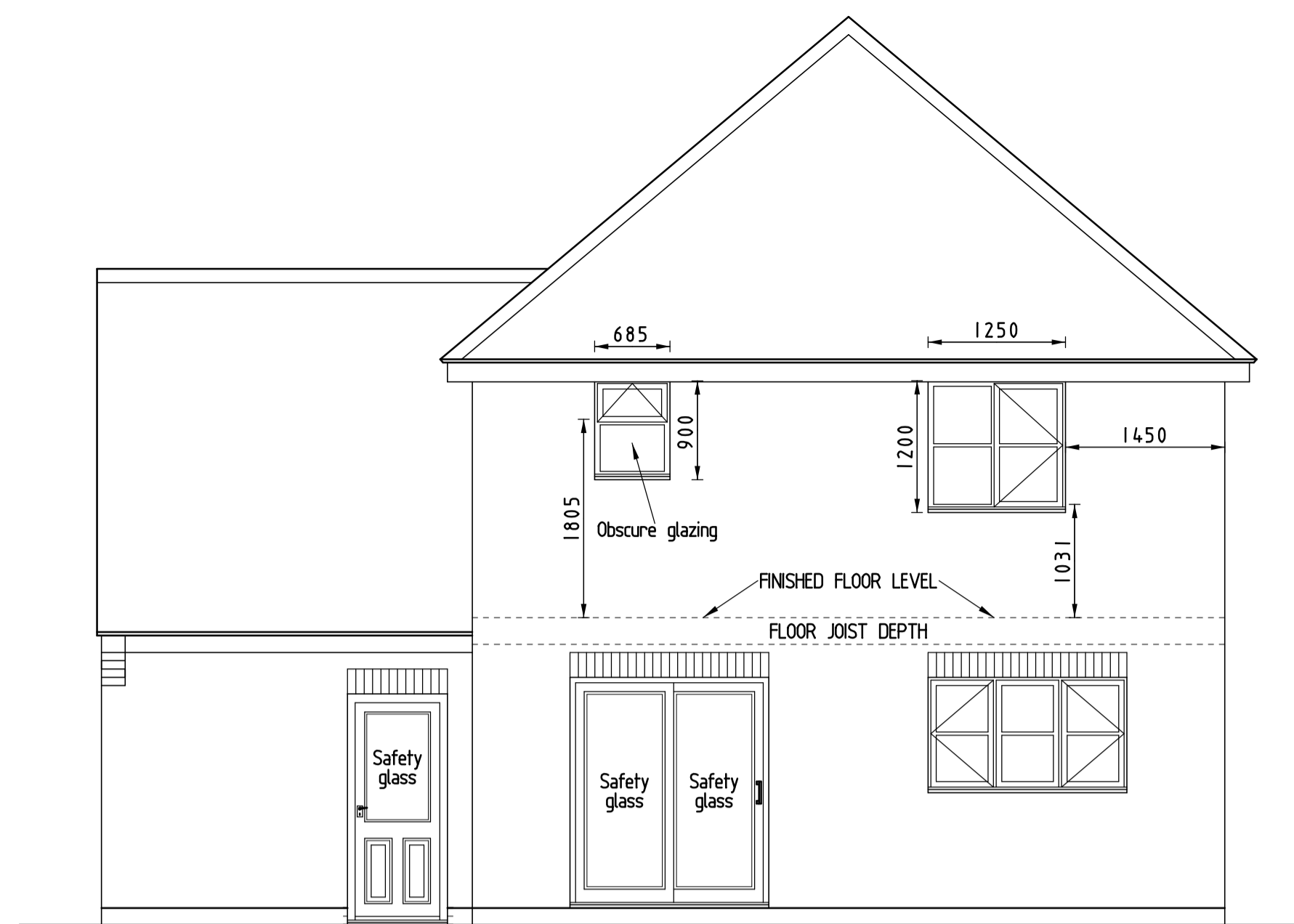
Rev:-

Craig Brand Architectural & Highway Design.

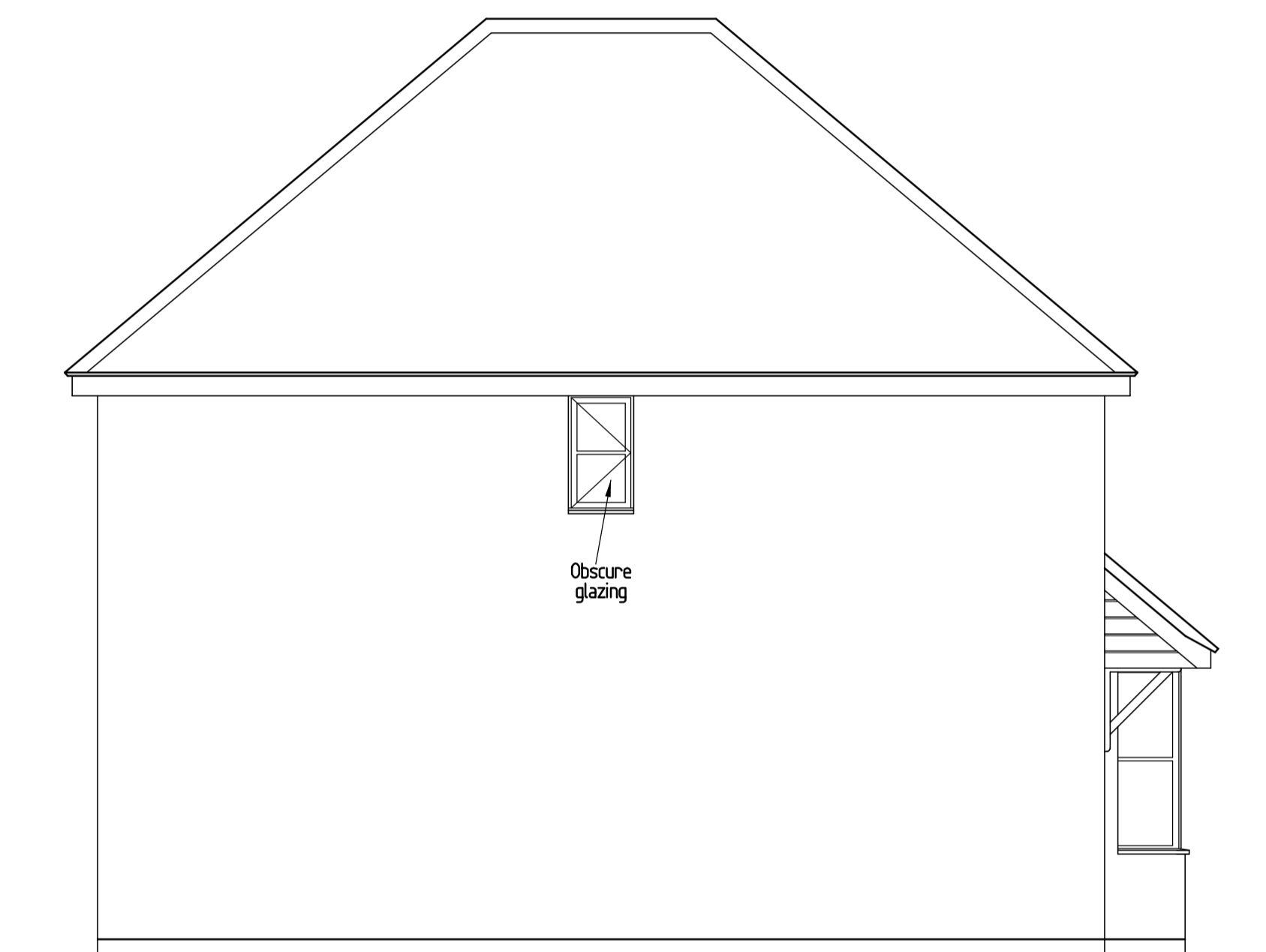
9 Cricketers Close,
 March, PE15 9RU.
 Tel: (01354) 656977.



ILLUSTRATIVE SIDE ELEVATION



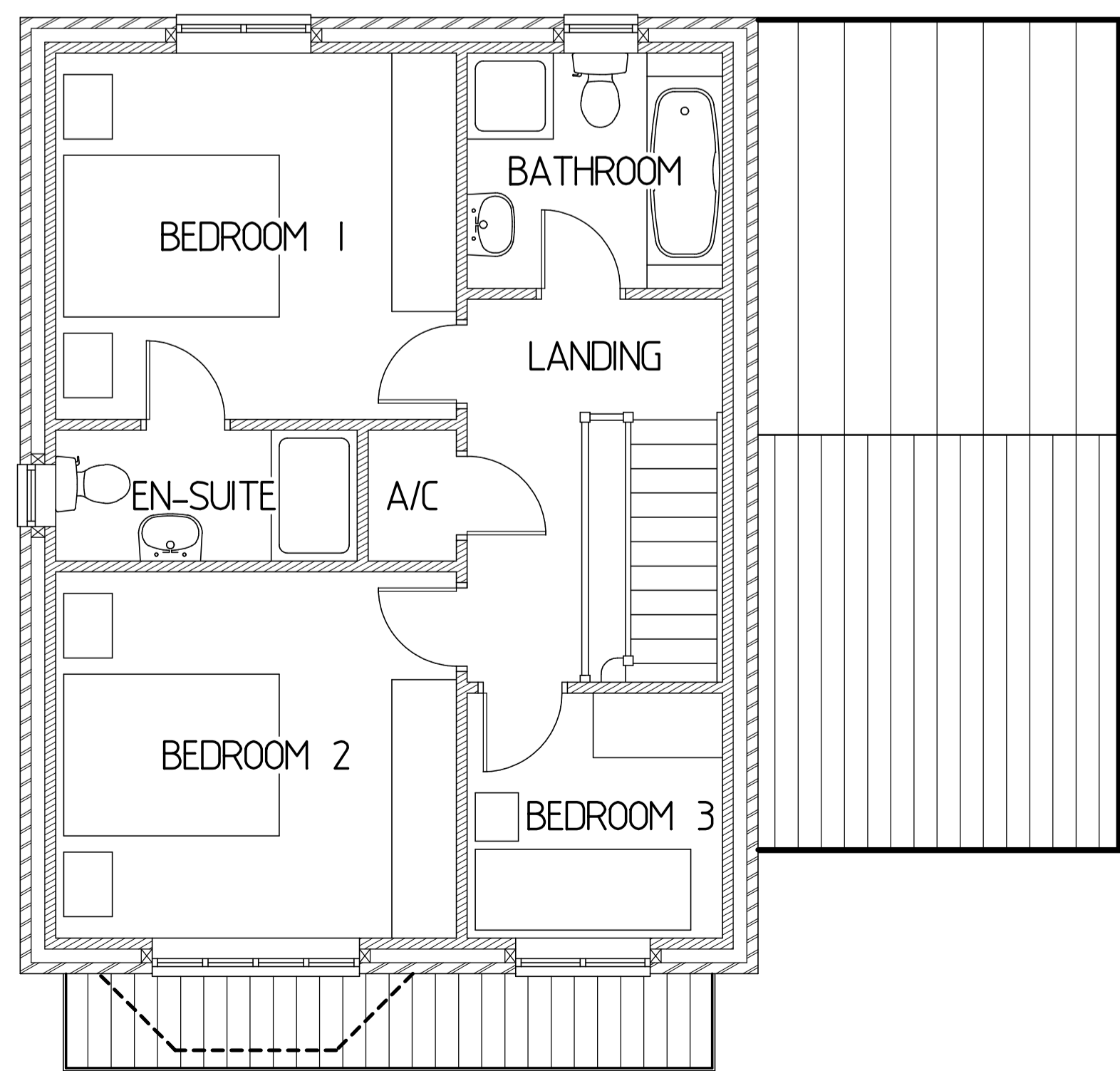
ILLUSTRATIVE REAR ELEVATION



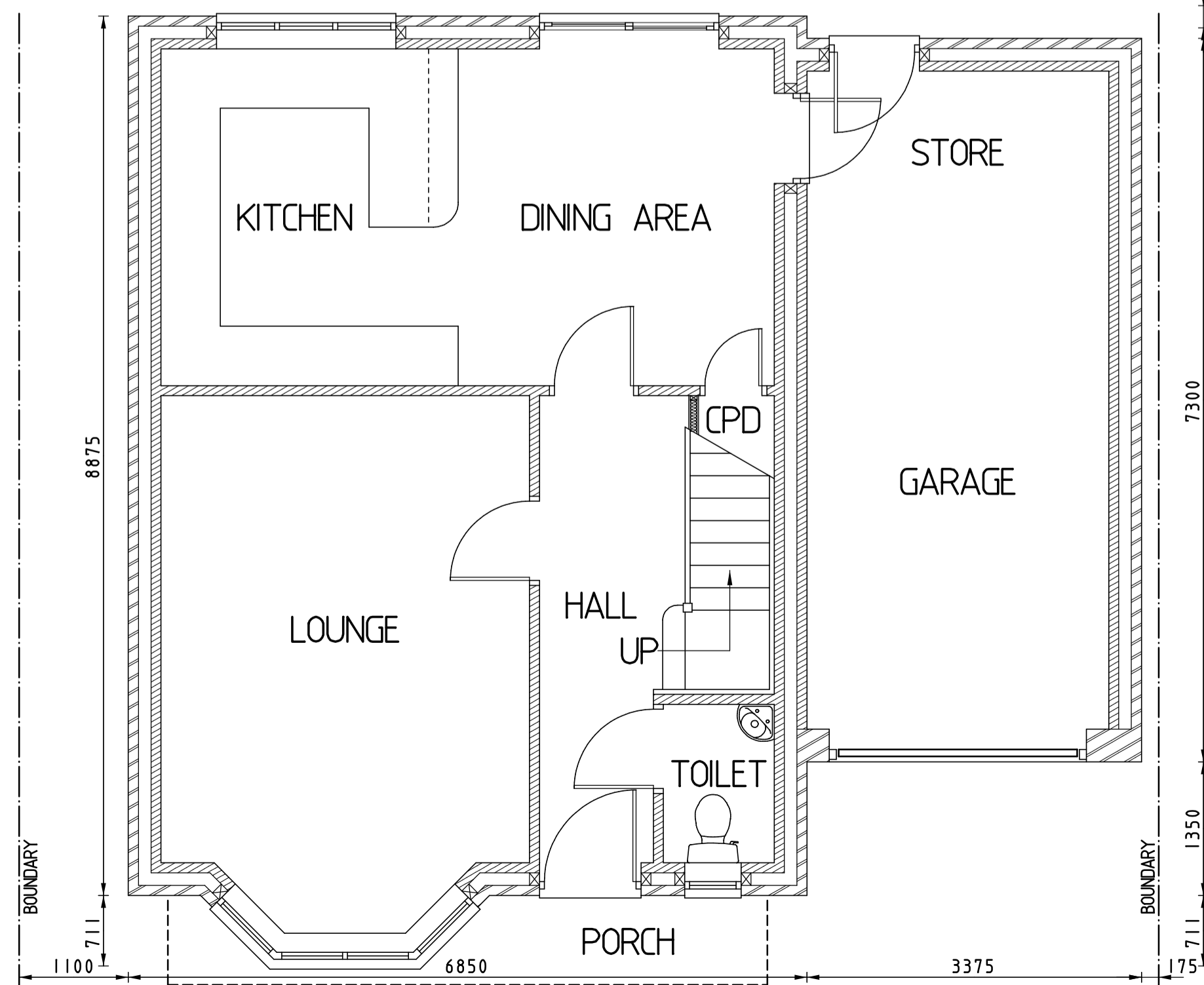
ILLUSTRATIVE SIDE ELEVATION



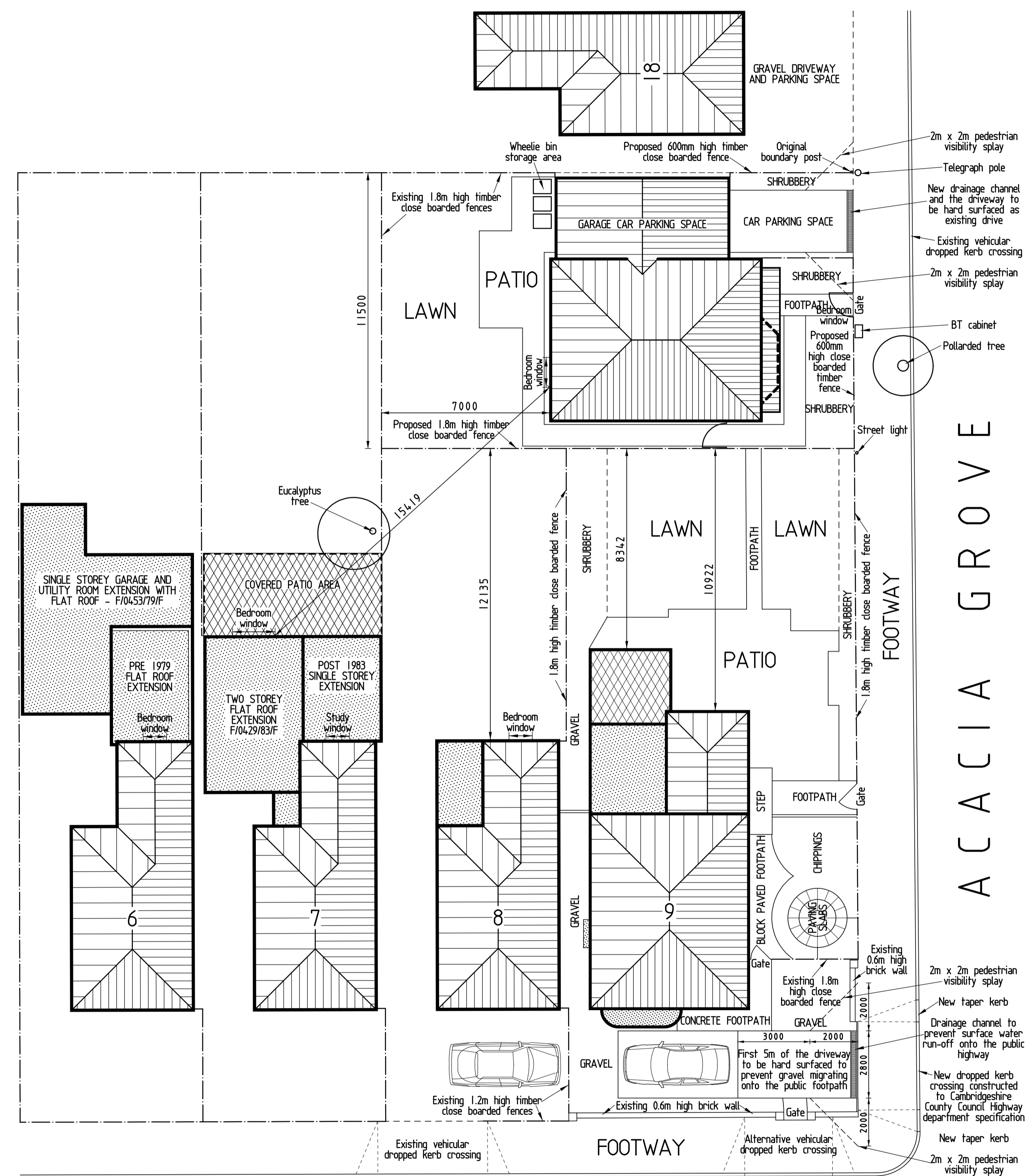
ILLUSTRATIVE FRONT ELEVATION



ILLUSTRATIVE FIRST FLOOR LAYOUT PLAN



ILLUSTRATIVE GROUND FLOOR LAYOUT PLAN



HAWTHORNE GROVE

ILLUSTRATIVE SITE LAYOUT PLAN Scale 1:125

Drawing Title:- OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A SINGLE TWO STOREY DWELLING ON LAND WEST OF 9 HAWTHORNE GROVE, MARCH FRONTING ACACIA GROVE ILLUSTRATIVE PLANNING APPLICATION DRAWING			
Client:- Mr JOHN MORTLOCK, 5 WINDSOR DRIVE, MARCH			
Scale:- 1:50, 1:125	Date:- OCTOBER 2020	Drawing No:- CAD 522 / I	Rev:- C

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