

Combroke Parish Council

Consultation for Planning Application 14/02265/FUL - new submitted drawings

Proposed: Demolition of existing agricultural buildings and erection of 4 residential dwellings (amendment to previously approved 13/02619/FUL for re-positioning of plots 1,2 & 3 and re-design of Plots 3 & 4 together with erection of log store to rear of site)
at CE Gilbert Development site North West of Village of Combrook CV35 9HN

Representation

The Parish Council discussed this application at a meeting on 23 April 2015. In total 15 residents attended this representing 1/5 of village households. Mr C E Gilbert & Ms S Gilbert attended on behalf of the Developers.

Following a factual presentation about the scheme, residents present were invited to ask questions for clarification and make any relevant planning comments about the proposed scheme. Mr Gilbert was invited to clarify or add any further points during the presentation and encouraged to comment on matters raised if he wished during the opportunity for questions and comments.

1. Introduction

- 1.1. This application was first submitted in September 2014 and described as 'minor amendments'. It was subsequently made invalid. The Parish Council's Representation made in September remains a material consideration for this application.
- 1.2. However, further significant concerns about this development have become apparent which are unacceptable.
 - It transpires that the plans submitted for the approved scheme were inaccurate:
 - The approved site plan was both wider and deeper than the site itself by several metres. As a result there was insufficient space for the scheme 13/02619/FUL as shown on the approved plans.
 - The approved plans failed to show the position of neighbouring properties with any degree of accuracy. Notably the true position of 'Deepdene' is much closer to the site boundary than is shown on the approved plans. As a result, the impact of the approved scheme on the amenity of 'Deepdene' has been significantly misjudged.
 - The re-positioning of all of the plots; increase in eaves height at plot 3; significant changes to the boundary treatment at the lane; habitable spaces above the garages to create 5th bedrooms, and various other design changes to Plots 1,2 & 3, have all been implemented without the grant of planning permission and ignoring the condition imposed by the Planning Committee under 13/ 02619/FUL that permitted development rights are removed.
 - The detrimental impacts of Plots 2 and 3, as now built, are considerable and contrary to the requirement to protect the standard of general amenity of existing dwellings. (NPPF 56, 57& 64 SDC C9 b(ii) & (viii) & Dev1 (e))
- 1.3. For these reasons, together with the outstanding matters which have not been addressed from the Council's September 2014 Representation, **the Parish Council must object to this application**, which seeks to regularise the development as currently implemented.
- 1.4. Section 2,3 and 4 below provide further detail about these new concerns, and the sections of the September 2014 Representation which remain relevant to this application are provided in Appendix B.

2. Impact on Neighbouring Properties

SDC Core Strategy Policy C9 Design and Distinctiveness

(ii) Sensitive: Proposals, including layout and orientation, will be sensitive to the setting, existing built form, neighbouring uses, landscape character and topography of the site and locality.

(viii) Healthy: Proposals will ensure a good standard of space and amenity for occupiers. Occupants of new and neighbouring buildings will be protected from unacceptable levels of noise, contamination and pollution, loss of daylight and privacy, and adverse surroundings

SDC Design in Residential Areas 2005 page 4

While newer development may reasonably be expected to have a higher density, it must not have a significant adverse effect on the level of privacy of existing neighbouring properties.

SDC Extending Your Home page 5

The 45/25 degree guideline protects neighbours' windows, but care should also be taken to protect neighbours' garden areas from overlooking, overshadowing and overbearing. This particularly relates to the area immediately outside the rear of the house, which is often used as a sitting out area.

- 2.1. An 'as built' site survey has been submitted for this current application. This survey identifies the position of 'Deepdene' - it is 3m closer to the boundary hedge than as shown on the approved plans. The approved plans depicted 23m between the North West corner of 'Deepdene' and the rear South East corner of Plot 3. The "as built" survey shows this at 20m. These differences make a dramatic impact when amplified by the change in land levels between the site and 'Deepdene'.
- 2.2. The survey now also identifies the ground floor levels at 'Deepdene'. It has previously been suggested to the Parish Council that the Planning Authority assumed 'Deepdene' was just 1m lower than the site. The survey makes it clear that 'Deepdene' is well over 2m below the main site at the boundary and almost 3m below the finished floor level of Plot 3. This is a significant difference when assessing the impact of Plot 3 on 'Deepdene'.

Where there is a significant change in levels, the minimum separation distance increases by 2 metres for every 1 metre that the floor level of the extension would be above that of the neighbouring property (SDC extending your home 2009).
- 2.3. Furthermore the 'as built' Plot 3 shows the elevations to the eaves at 4.5m. The approved permission was for 4m. This extra half metre in height make a significant difference to the mass of Plot 3 overbearing and overshadowing on 'Deepdene'.
- 2.4. The Committee Report for the approved 13/02619/FUL refers to plot 3 being a 'side to back' relationship with 'Deepdene'. There are numerous windows to habitable spaces on this 'side' of Plot 3. However the plot is set at an angle to Deepdene. In relation to amenity and privacy, overlooking, overshadowing, and overbearing, this is the worst of options -exposing both side and rear elevations towards 'Deepdene'.

Photograph taken at Deepdene from the dining room at the rear





Photograph taken at Deepdene from rear first floor bedroom.

I do however propose to attach a condition requiring the first floor side facing window in the south east elevation of Plot 3 to be obscure glazed to minimise any direct overlooking into the garden of Deepdene' (Committee Report 13/02619/FUL)

- 2.5. The above mentioned window 'as built' has been enlarged. It is not obscured glazed. A further first floor window has been added to the SE elevation 'side' (beyond the gable in the photograph above) and the rooflight added - which is not shown on any plans.
- 2.6. The implementation of Plot 3 did not commence until late October 2014. This was **after** questions had been raised about the accuracy of the approved plans and position of the then implemented Plots 1 and 2 at the front of the site. It is unacceptable that Plot 3 has been implemented without planning approval when a clear breach of permission on this site was already acknowledged. The building overlooks, overshadows, is overbearing and significantly harms the standard of amenity and privacy at Deepdene.
- 2.7. The 'as built' site survey shows that Plots 1 and 2 have been positioned a further 2m towards the SE boundary with neighbouring properties than was depicted on the approved plan. On the approved plans the SE corner of the Plot 2 gable facing the boundary is shown 11m from the boundary. The 'as built' survey shows it 9m from the boundary.
- 2.8. However the 'as built' survey fails to show the position of properties 40/41 at all, let alone their ground floor levels. These properties are at least 4-5m lower than the site.
- 2.9. Given these differences in levels, placing Plot 2 even closer to the boundary has a substantial intrusive impact on 40 /41 it is overbearing, overshadowing and harms the standard of amenity at these properties. It is unacceptable that Plot 2 was repositioned and implemented in full without planning approval.
3. **The Boundary with the Lane**
 - 3.1. Comparison of the approved plan with the 'as built' survey shows that Plots 1 and 2 have been located 2m closer to the boundary with the lane than was depicted on the approved plan. The access arrangements to Plots 1 and 2, the landscaping and boundary treatment now implemented are completely different from those submitted and approved under condition 5 of the approved scheme.

3.2. The separate pedestrian pathway with gate directly onto the lane and the new vehicle access on a diagonal are incongruous on this stretch of lane and they are a breach of condition 5. The mini "lay-by" at Plot 1 contravenes WCC Highways condition 10 and is a safety hazard.

3.3. The erected boundary fence, pedestrian gates and planted hedging contravenes condition 11 set by WCC Highways that there should be an unobstructed splay 2.4m from the road edge. At the vehicle gate of Plot 1 the distance to the lane is 1.90m, it is 1.80m at the pedestrian gate and reduces down to 1.20m at the traffic sign post. The hedge planted already includes specimens higher than 0.6m. The purpose of condition 11 is in the interests of highway safety.

4. **A note on the submitted overlay drawing**

4.1. The applicant has submitted a drawing 1411NE019 rev.3 '*Plan drawing and survey site overlay*'. This is an overlay of the 'as built' site survey onto what is described as the 'original planning drawing' to create a 'comparison'.

4.2. This is **NOT** the original approved plan for 13/02619/FUL. There are numerous differences, for example the log store is shown positioned at the boundary and the single fence line between Plots 3 and 4 was *originally* shown on the approved plan as a hedge.

4.3. Provided at Appendix A is an overlay of the survey on the approved 13/02619/FUL plan. At the Parish Council meeting to consider this application, an accurate tracing of the site survey was aligned over the approved plan to demonstrate the problem with the approved drawing.

4.4. The approved drawing was neither the right size for the site nor correctly aligned in relation to the lane. Consequently if 13/02619/FUL were to be accurately implemented as approved the plots would all be built some 5m to NW of the 'as built' positions - they would at least have a less harmful impact on neighbouring properties if this were to happen.

4.5. The Parish Council recommends this application is refused. If it is to be considered by the Planning Committee, a representative of the Parish Council would be pleased to attend the Committee's pre 'briefing' meeting to demonstrate the above statement in 4.4.

5. **Conclusion**

5.1. These new plans submitted are for a largely retrospective application on this site which has been developed in breach of its approved planning permission and conditions. The design and access statement provides neither commentary nor explanation for what has been done.

5.2. The Parish Council can find no convincing reason to support this development. It fails to protect the standard of amenity of the existing neighbouring dwellings (NPPF 56, 57 & 64 SDC C9 b(ii) & (viii) & Dev1 (e))

5.3. However, there are some *further* amendments indicated on these submitted plans which are not yet implemented: two further wings on Plot 3 incorporating a laundry, ensuite 3, and study; and a significant enlargement to plot 4 incorporating a substantial increase in size and changes to elevation as well as height to the eaves. These and other design changes were appraised in the Parish Council's Representation in September 2014, attached at appendix B. It will be noted that the Parish Council raised concerns about:

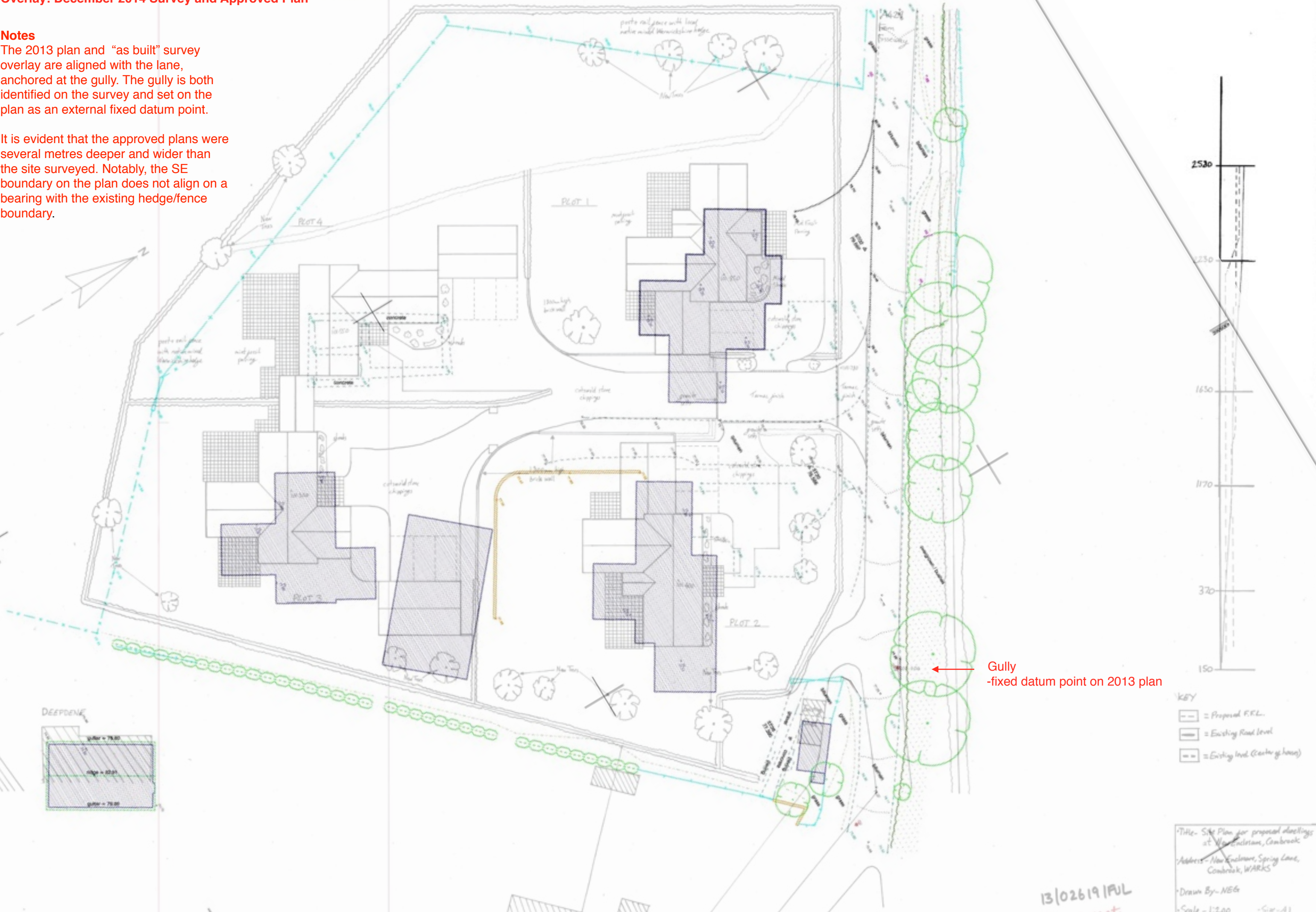
- the increase in the footprints and eaves height of plots 3 and 4;
- the NW and NE elevations of plot 4 are particularly poor quality design;
- the impact of rooflights that have appeared across the site;
- the increase in bedrooms across the site.

5.4. For all the above reasons the Parish Council objects to this scheme.

APPENDIX A : C E Gilbert & Son Combrook Site Overlay: December 2014 Survey and Approved Plan

Notes
 The 2013 plan and "as built" survey overlay are aligned with the lane, anchored at the gully. The gully is both identified on the survey and set on the plan as an external fixed datum point.

It is evident that the approved plans were several metres deeper and wider than the site surveyed. Notably, the SE boundary on the plan does not align on a bearing with the existing hedge/fence boundary.



Gully - fixed datum point on 2013 plan

- KEY**
- = Proposed F.F.L.
 - == = Existing Road level
 - == = Existing level (existing house)

Title: Site Plan for proposed alterations at War End Lane, Combrook
 Address: War End Lane, Spring Lane, Combrook, WARMS
 Drawn By: NBB
 Scale: 1:200 - Site A1
 Date: 21.2.2013

13/02619/PUL
 Amendment

Combroke Parish Council

Consultation for Planning Application 14/02265/FUL

Proposed: Demolition of existing agricultural buildings and erection of 4 residential dwellings (amendment to previously approved 13/02619/FUL for redesign of Plots 3 and 4 together with erection of log store to rear of site)
at CE Gilbert Development site North West of Village of Combrook CV35 9HN

Representation

The Parish Council discussed this application at its meeting on 15 September 2014.

Following a factual presentation of the scheme, residents present were invited to ask questions for clarification and make any relevant planning comments about the proposed scheme.

There are significant concerns about aspects of these proposed amendments and therefore the Parish Council is objecting on the following grounds:

- ◆ ~~the application is incomplete, and the design and access statements and drawings are misleading;~~
- ◆ the proposed plans introduce increased overlooking of near neighbours, which is unacceptable;
- ◆ the proposed changes to both size and elevations introduce poor quality design at this prominent location abutting the Conservation Area; this is unacceptable; and
- ◆ the increased size of properties proposed, is well in excess of the previous footprint on this site, the 33% increase in bedrooms proposed does not meet the housing need of the district nor the recommendations of the village design statement;
- ◆ it is not sustainable development in this location.
(NPPF 17, 55, 58, 64, 132 CS1, CS5, CS8, CS9, CS18)

1. ~~The application is incomplete, design and access statements and drawings are misleading~~

1.1. ~~The national requirement for applications require a site section with finished floor levels and submissions should also demonstrate how proposed buildings relate to existing site levels and neighbouring development. This was missing in the application 13/02619/FUL and the subsequent drawings required by condition, after permission was approved, still failed to meet this basic standard to show how the proposal relates to neighbouring existing development, which is at a dramatically lower level.~~

1.2. The description of this application within the Design and Access statement as “minor amendments” is highly misleading. The D & A statement refers to:

- *repositioning of a small number of windows on the rear of plots 1 & 2 along with the inclusion of conservation rooflights above the garages*
- *plots 3 and 4 have been revised to remove the link between the two properties and the erection of a log store at the rear of these 2 plots*

1.3. The drawings submitted indicate a **significant number of other changes** including

- ◆ ~~repositioning of dwellings 3¹ and 4. In particular dwelling 3 is closer to the rear boundary and closer to the side boundary with no 41 and Deepdene. Dwelling 4 shows a similar transposition.~~
- ◆ increasing the floor area of both dwellings 3 and 4 with additional build, and the introduction of an incongruous design solutions to accommodate these changes

¹ Note the applicant appears to have reversed the naming of plots 3 and 4 on the elevation submitted. On the overall site plan submitted ref NENG45 July 2014 plot 3 is on SE side of site - this best fits the floor plans and elevations named plot 4 ...and so on.

- ◆ increasing the eaves height of dwelling 3 and *one side of wing of* dwelling 4;
- ◆ adding bedroom spaces to each dwelling (2 to dwelling 4) bringing each to 5 bedrooms.

2. ~~The proposed plans introduce increased overbearing and overlooking of near neighbours, which is unacceptable~~

- 2.1. Dwelling 3 is re-positioned closer to the boundary with Deepdene and Nos 41/40. This is unacceptable. The Parish Council has not been provided with the appropriate scaled drawings to measure this with any degree of accuracy. However from the limited A3 printed site layout plan provided, dwelling 3 is positioned² 2m closer to the side boundary with Deepdene and Nos 41/40. It also appears to be 2m closer to the rear site boundary and therefore imposes even more upon Deepdene which is at very significantly lower level.
- 2.2. The report approving the application 13/02619/FUL refers to the 4 proposed dwellings meeting the *minimum separation distances* both between each other and between the scheme and the existing neighbouring properties. The District Design Guide at 1.6.1 aptly uses the term “**dense suburban**” to describe such large detached homes squeezed into relatively small plot sizes utilising such minimum dimensions. “*Giving neither the open space and planting of the rural village nor the well defined building line and street space of the town*”
- 2.3. Extending Your Home (section 3.5 p 3) makes it clear that, with regards to spacing of dwellings within the plot, **proposals should harmonise with other properties in the vicinity**. The District Design Guide 7.2.9- 10 re-asserts this: **large houses with minimum side setback should be avoided**.
- 2.4. These amendments to the proposals bring the main building of dwelling 3 **even closer** to the boundary and a proposed habitable double storey garage block is within 3m. These must be assessed in the context of the dramatic change in levels. It makes a nonsense of the D & A assertion that *the positioning of the dwellings are sympathetic to the existing pattern of development within this area of Combrook and will not impose or overlook existing neighbouring properties*. From the evidence of dwelling 2, which is already constructed in outline on this site, the nearby neighbours *know* that these dwellings as approved are overbearing and do overlook. It feels particularly shocking from first floor bedrooms. And this proposed amendment will be make it worse. Appendix A shows the plot sizes and boundaries for the nearest neighbours and this scheme. The separation distances between dwelling 3 and nearby neighbours as currently approved must not be reduced. This amendment should be refused.

3. ~~The proposed changes to both size and elevations introduce poor quality design at this prominent location, which is unacceptable;~~

- 3.1. One of the core planning principles set out in paragraph 17 of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. (Committee Report for 13/02619/FUL)
- 3.2. Dwelling 4, named as plot 3 on the elevation drawings, shows a significantly enlarged floor print on ground and first floor to incorporate a 4th bedroom. The Parish Council is opposed to the continued over-development of this site. Now 8.5m deep this contravenes the District Design Guide section 8.2.1 & 8.2.4. But in particular, the corresponding change to elevations to the NW³ and NE to accommodate this change are simply unacceptable design. Especially the NW elevation facing towards the Fosse - in such a public view on entry to the village.

² Draw a line extending from the ridge of the rear facing gable of dwelling 2 and note that it intersects with the front facing gable of dwelling 3 some 2m further to the NW than on the 13/02169/FUL approved plan.

³ There is some confusion in the naming of elevations on plot 4: NW elevation faces the Fosse (the applicant has named it the SW), the SW faces the rear of the property (applicant has named it SE), similarly the NE faces the lane (the applicant has names it NW) The SE faces the boundary with the village (the applicant has named it NE).

Two wide gables of different proportions and heights butt up to each other and then to an incongruous dormer window where the roof is made to stretch out over the enlarged space below. The NE elevation (facing towards the lane, behind Plot1) is similarly compromised to stretch the roof over this enlarged space. Page 55-7 of the Design Guide describes the range of plan forms for dwelling buildings to be found across the district. This new proposal for this plot appears to ignore all the District Council's guidance. Furthermore the introduction of a single dormer window to this building, and site, fails all guidance as to their appropriate use in design. These proposed changes to dwelling 4 are simply poor design and should be refused.

- 3.3. Dwelling 3, named as plot 4 on the elevation drawings, has been enlarged with a single storey outshut on the NW elevation. Having removed the log store link between dwellings 3 and 4, the design aim should be to preserve side to side distance between such substantial dwellings rather than fill it willy nilly. The other addition on the south corner introduces a further variation which appears not to have any clear design principle behind it. The Parish Council is opposed to the continued over-development of this plot.
- 3.4. **Height to the eaves of dwellings 3 and 4:** The approved plans for 13/02169/FUL show a height of 4m to the eaves for dwelling 3. The proposed elevations for dwelling 3 and 4 now show the height to the eaves at 4.5m. The additional height at eaves levels is a significant contributor to the overall massing and dominance and this proposed change should be resisted.
- 3.5. ~~Both the approved 13/02169/FUL and proposed drawings for dwelling 4 continue to show a height to eaves of 4m on the SW elevation (the long side at the rear) and the SE elevation (the wing facing towards the village, but ignoring the attached lower garage). The approved 13/02169/FUL plans also shows the NW elevation (facing the Fosse) with a 4m height to the eaves. These conform to that approved for dwelling 3. The NE elevation (facing towards the lane behind plot 1) was odd in the 13/02169/FUL application with eaves heights as high as 5m down to 4.3m. The Parish Council identified this inconsistency at the time. It remains as an inconsistency in the current proposal. And the convoluted proposed elevation for the NW side now ranges from 3.5m to 4.7m to the eaves – it clearly needs to be rejected as inadequate design and poorly drawn.~~
- 3.6. **Proposed changes to double height “barn style” glazing** on the SW gable elevation of dwelling 2 and NE gable elevation of dwelling 3. The Parish Council agrees with the applicant that these properties are far too close for reasonable neighbour comfort for detached homes of this size. And particularly so for these facing gables in this unusual, and generally to be avoided, back to front facing or tandem arrangement of dwellings. The Parish Council is therefore not opposed to the proposed changes to this glazing.
- 3.7. A more radical solution would be to delete plots 3 and 4 altogether and allow dwellings 1 and 2 to achieve a plot size slightly more commensurate with their huge size.
- 3.8. **Ad-hoc fenestration changes - Dwelling 3:** The Committee Report approving 13/02619/FUL specifically highlighted the need for the first floor window on the SE gable of dwelling 3 **to be obscure glazed**. The reason for this window to now be further enlarged is not at all clear. Since this window is overlooking Deepdene to the SE the Parish Council believes this amendment should be refused.
- 3.9. The remaining ad-hoc window changes are of no great concern.
- 3.10. **Other sundry internal changes:** - the garage storeroom to dwelling 1 appears to have lost the function of ground floor store room within the garage building - the proposal includes a re-design for a completely different use. For dwelling 2 and 4 the store is reduced in size by half. It is not clear where waste and recycle bins are now to be stored.

4. **The Proposed Rooflights to Garage Buildings** to create additional bedrooms.
 - 4.1. The Conservation Officer has stated that wherever possible rooflights should be avoided and where deemed necessary they should be few in number and facing away from the public view to the rear of dwellings. The Parish Council concurs with this view and would add that their position on the roof slope should be sufficiently high to ensure that occupants are unable to use these for looking out when such viewing would be too close for the reasonable comfort of neighbouring properties.
 - 4.2. Therefore the proposed rooflights on dwellings 1 and 2 facing towards the public lane are unacceptable at this prominent position at the entrance to the village. If acceptable at all they should be on the roof slope facing inward to the site from the lane and fewer in number. Those proposed for dwelling 3 (SE side) are also in very public view from the village below and footpaths across the valley and must therefore face inwards to the site and fewer in number, if acceptable at all. Those proposed for dwelling 4 (NW side) are in very public view on approach from the Fosse and these too should face inwards to the site and fewer in number if acceptable at all.
 - 4.3. The purpose of the rooflights is to create a fifth bedroom ensuite to each of the dwellings. For dwellings 1 and 2 these are shown as such, integral with the dwelling on the first floor. For dwellings 3 and 4 they are currently described as “Playrooms, with adjoining bathrooms” and are approached via a separate staircase⁴. There would be space to include a kitchen. Extending Your Home is specific at page13: such “granny flats’ should not be self contained.
 - 4.4. If these proposals are approved the site changes from a 1 x 3- bed and 3 x 4-bed development to a 4 x 5-bed development. This is contrary to the District’s identified housing shortage for 3-bed homes. It is also contrary to the Village design statement (27.3) that encourages a mix of housing sizes and costs especially for local people and younger people. It increases the bedroom density (see District Design Guide 7.3.1) level on this site by 33%, which in turn affects potential occupancy level on this site.
5. **Not a sustainable development**
 - 5.1. The increased occupancy identified in section 4 is not sustainable development at this location and should be refused accordingly.
 - 5.2. There are no services in Combrook nor public transport. The Report approving 13/02169/FUL opined that, being some 2.7 miles from Kineton, this development in Combrook would support the services in the nearby sustainable settlement of Kineton in accord with the provisions of Paragraph 55 of the Framework. This was not the Parish Council’s view.
 - 5.3. The Report for 13/02169/FUL was prepared and approved in January 2014. Since then the District Council has approved its Core Strategy for submission. The methodology used for identifying sustainable locations for development makes use of the most up to date understanding, evidence base and assessment matrix for scoring the various elements of sustainability - economic, environmental and social. Applying this methodology will confirm that Kineton, as a local service village, is not sufficiently close to Combrook within the context of paragraph 55. The increased density within the proposal is not sustainable development.
6. **Conclusion**

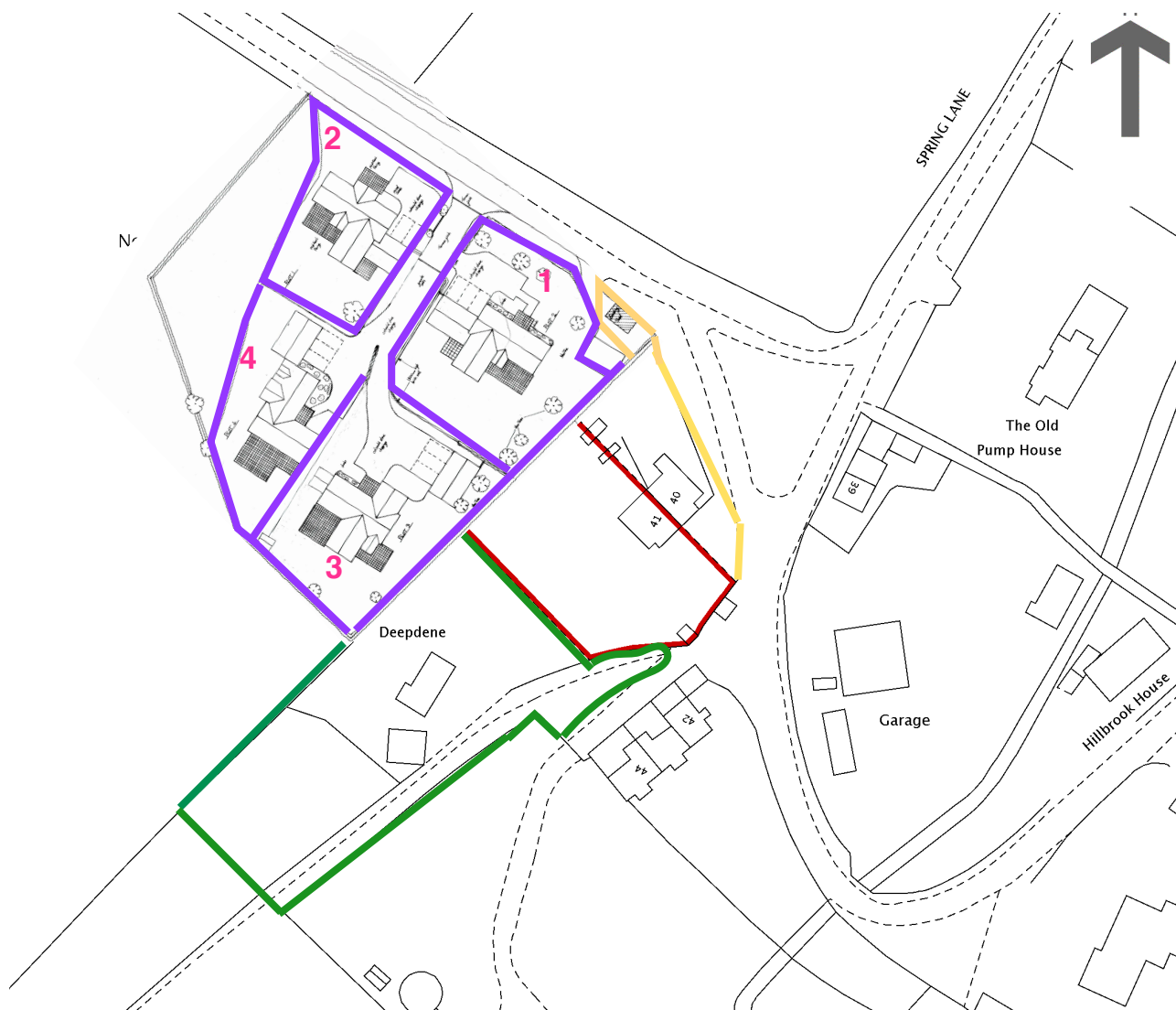
There are a large number of components to the proposed amendment. The overall judgement of the Parish Council is that the proposals, as they stand, should be refused.

September 2014

⁴ NB the staircase is only shown to go down – it is not shown going up from the store room but there is no other way in.

APPENDIX

The plot sizes and boundaries for the nearest neighbours and this scheme (approximate)



NB the above is taken from a Land Registry OS map, however the position of Deepdene on the ground is closer to its NW boundary

From the above it can be seen that the existing neighbouring dwellings 40, 41 and Deepdene occupy generous plots at this edge location of the village. And that these dwellings are positioned comfortably within their plot.

The plot size of the new proposed dwellings (in purple) are cramped given the huge size of these proposed detached dwellings. They will appear as **dense suburban**⁵ in contrast to the character of the existing plots.

It is critical to save the character in this location from further erosion and ensure that the position of the dwelling in plot 3 is not allowed, through this proposed amendment, to encroach any further towards Deepdene than is already permitted under the approved scheme 13/02619/FUL

⁵ As defined in the District Design Guidance 1.6.1