

SCHEDULE A: Applications with Recommendation

14/0212

Item No: 06

Date of Committee: 16/05/2014

Appn Ref No:
14/0212

Applicant:
Mrs Brenda Chambers

Parish:

Agent:

Ward:
Upperby

Location: Land Adjacent 337 Blackwell Road, Carlisle, CA2 4RU

Proposal: Erection Of 1No. Dwelling (Outline)

Date of Receipt:
14/03/2014

Statutory Expiry Date
09/05/2014

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether the principle of development is acceptable;
- 2.2 Whether the scale and design of the dwelling is acceptable;
- 2.3 Whether the siting of the dwelling is acceptable, impact upon character of the area including impact upon protected trees
- 2.4 The impact of the proposal on the living conditions of neighbouring residents;
- 2.5 The impact of the proposal on highway safety;
- 2.6 Whether the method of disposal of foul and surface water are acceptable;
- 2.7 Other matters.

3. Application Details

The Site

- 3.1 No.337 Blackwell Road is a two storey end terrace property constructed from brick/rendered walls under a tiled roof, located on the eastern side of Blackwell Road. The property is surrounded by two storey residential

dwelling to the north and a single storey property to the south known as "Seven Stiles". The garden of Seven Stiles wraps around the eastern boundary of the site with Hammonds Pond public park located beyond. There is a mature Oak Tree covered by Tree Preservation Order No.104 in the garden of Seven Stiles located approximately 6 metres from the application site.

The Proposal

- 3.2 This application seeks Outline Permission for the erection of one dwelling with all Matters Reserved in the southern garden of No.337 Blackwell Road. This application, therefore, is to establish the principle of development of the site for residential development.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to four neighbouring properties. During the consultation period one comment has been received from the occupier of No.335 Blackwell Road.
- 4.2 The email of comment indicates that the occupier of No.335 Blackwell Road has a right of access over the path to the rear and side of No.337 Blackwell Road.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections subject to the imposition of three conditions;
Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - no objections;
Northern Gas Networks: - no objections, advisory note attached;
United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP5, CP10, CP11, CP12, H2 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework and the Council's Supplementary Planning Documents on "Achieving Well Design Housing" and "Trees and Development" are also material planning considerations.
- 6.2 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a

golden thread through both plan-making and decision taking. Paragraph 14 of the NPPF states that for decision taking this means approving development proposals that accord with the development plan without delay.

6.3 The proposals raise the following planning issues:

1. Whether The Principle Of Development Is Acceptable

6.4 The application site, which lies within the urban area of Carlisle, is designated as a "Primary Residential Area" in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable as the site is located within a sustainable area, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

6.5 The indicative drawings and documents submitted as part of the application illustrate the siting of a single storey detached property approximately 40m² in area. Although the indicative floor area of the dwelling is small it is noted that the floor area would meet the "Parker Morris" Space Standards as prescribed in the report "Homes for Today and Tomorrow" for a one bedroom dwelling. The application however seeks Outline Planning Permission with all Matters Reserved, therefore the scale and design of the dwelling would be subject to a further application.

3. Whether The Siting Of The Dwelling Is Acceptable, Impact Upon Character Of The Area Including Impact Upon Protected Trees

6.6 There are no trees and hedges within the application site however there is a large healthy mature oak tree which is subject to a Tree Preservation Order (No.104) in the garden of Seven Stiles which wraps around the eastern boundary of the site. The trunk of the tree is located approximately 6 metres from the eastern boundary of the application site and has a canopy which extends over part of site and the remaining garden area proposed for No.337 Blackwell Road. The Oak Tree is visible from a range of public vantage points including the public highway and neighbouring public park at Hammond's Pond and makes a significant positive contribution to the amenity of the surrounding area.

6.7 Paragraph 118 of the National Planning Policy Framework (NPPF) indicates that planning permission should be refused for development resulting in deterioration of irreplaceable habitats, including ancient woodland and the loss of aged and veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

6.8 Policy CP3 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy

CP5 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.

- 6.9 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. The SPD states that the design of a development should seek to retain existing tree and hedgerow features and goes on to state that in the case of residential dwellings development will not be permitted where a habitable room window would be overshadowed by a tree or hedge, or where any part of a tree or hedge would be sited within 5 metres of a habitable room window. To allow useable garden space the SPD indicates that no more than 50% of a new garden area should be dominated by the tree canopy of mature trees.
- 6.10 The layout plan, although only indicative, indicates that the proposed dwelling would be located approximately 4 metres (at its closest point) from the canopy of the mature Oak Tree however given the constrained nature of the site it is acknowledged that the dwelling could only be repositioned slightly further to the west (by approximately two metres) without affecting parking arrangements. In relation to where the proposed dwelling could be sited and the existing presence of the oak tree it is considered that little if any direct sunlight will reach any easterly facing windows; sunlight will only reach the garden for relatively short periods of time; and the tree will block significant amounts of attenuated light throughout the year. Furthermore, the tree can be viewed as forming an oppressive and overbearing feature which will, through falling leaves and use by wildlife such as birds, be detrimental to the living conditions of any occupiers of the proposed dwelling. These poor conditions would inevitably result in pressure from future occupiers of the proposed dwelling to prune or fell the tree to the significant detriment of the amenity and character of the area.
- 6.11 The Council's Tree Officer has been consulted on the proposal and has recommended that the application is refused planning consent as it is considered that the existing Oak Tree will have a significant detrimental impact on the living conditions of the occupants of the proposed property. This will result in the loss of a protected large mature tree which is on the edge of a public park to which it makes a valuable contribution.
- 6.12 In relation to the above it is considered that the proposed development represents overdevelopment of the site which would have a significant impact upon the living conditions of the occupants of the proposed dwelling through overdominance and loss of light. If the development went ahead the Council would inevitably receive pressure from the occupants of the proposed dwelling to removed the large mature Oak Tree in the future which would have a significant detrimental impact upon the character and amenity of the surrounding area. It is therefore not considered that the benefits of the scheme (providing an additional dwelling in the urban area in a sustainable

location) would outweigh the potential harm caused to the occupants of the proposed dwelling together with the character and appearance of the surrounding area. Furthermore no evidence of need for the dwelling has been submitted which would outweigh the harm created.

4. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.13 The residential properties to the north and south of the site have no primary windows which would directly face the proposed development. Although the siting of the dwelling on the layout plan is only indicative adequate separation distances can be maintained between the existing and proposed dwellings thereby ensuring that the adjacent properties are not affected through loss of light, loss of privacy or over dominance.

5. Impact Of The Proposal On Highway Safety

- 6.14 The indicative layout plan and Design and Access Statement indicates that access to the site will be via Blackwell Road and parking will be to the front of the property. The indicative plans also indicate that parking for the adjacent property No.337 Blackwell Road will now be to the front of the property. The relevant Highways Authority has been consulted on the proposal and has raised no objections to the indicative proposals subject to the imposition of three conditions. Accordingly, it is unlikely that the proposal would have a detrimental impact on highway safety.

6. Whether The Method of Disposal of Foul And Surface Water Are Acceptable

- 6.15 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. As previously outlined, the proposal seeks Outline Planning Permission with all Matters Reserved; however, the application form highlights that surface water drainage will be to existing mains.
- 6.16 United Utilities in their consultation response have raised no objections to the drainage methods proposed. As this application is however outline with all matters reserved full details regarding drainage would be dealt with at the reserved matters stage.

7. Other Matters

- 6.17 An occupier of a neighbouring property (No.335 Blackwell Road) has indicated that they have a right of access over the path to the rear and side of No.337 Blackwell Road. This issue is a civil matter and is not a material planning consideration.

Conclusion

- 6.18 In overall terms whilst it is acknowledged that the site is located within a sustainable location for housing development the proposed development will

be located in close proximity to a large healthy mature Oak Tree covered by Tree Preservation Order No.104. This tree is visible from a range of public viewpoints including the public highway and neighbouring public park and has a significant contribution to the amenity of the surrounding area. In relation to where the proposed dwelling could be sited and the existing presence of the Oak Tree, the trunk of which is located approximately 6 metres from the eastern boundary of the application site, it is considered that little if any direct sunlight will reach any easterly facing windows; sunlight will only reach the garden for relatively short periods of time; and the tree will block significant amounts of attenuated light throughout the year. Furthermore, the tree can be viewed as forming an oppressive and overbearing feature which will, through falling leaves and use by wildlife such as birds, be detrimental to the living conditions of any occupiers of the proposed dwelling. These poor conditions would inevitably result in pressure from future occupiers of the proposed dwelling to prune or fell the tree to the significant detriment of the amenity and character of the area. Accordingly it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the scheme (i.e. providing an additional dwelling in a sustainable location). The proposal is therefore considered to represent overdevelopment of the site contrary to the underlying objectives of the NPPF, Policy CP3, Criteria 2, 5 and 6 of Policy CP5 and Criterion 3 of Policy H2 of the Carlisle District Local Plan 2001-2016.

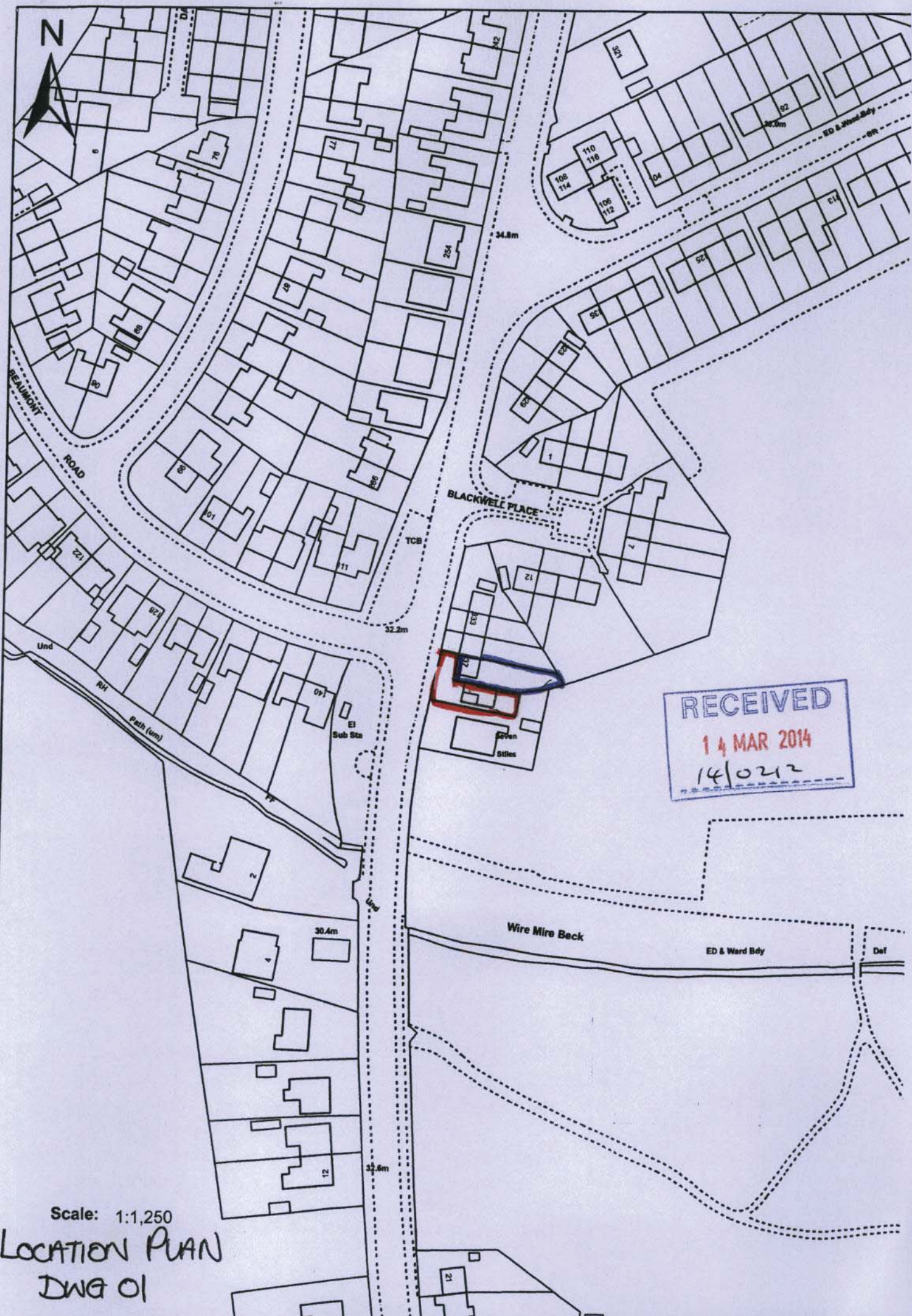
7. Planning History

- 7.1 In 2012 outline planning permission was sought for the erection of 1 no. dwelling adjacent to 337 Blackwell Road. The application was however never made valid (reference 12/0470).

8. Recommendation: Refuse Permission

1. **Reason:** The proposed development will be located in close proximity to a large healthy mature Oak Tree covered by Tree Preservation Order No.104 which is visible from a range of public viewpoints including the public highway and neighbouring public park at Hammonds Pond. The tree makes a significant contribution to the amenity and character of the surrounding area. In relation to where the proposed dwelling could be sited and the existing presence of the Oak Tree, the trunk of which is located approximately 6 metres from the eastern boundary of the application site, it is considered that little if any direct sunlight will reach any easterly facing windows; sunlight will only reach the garden for relatively short periods of time; and the tree will block significant amounts of attenuated light throughout the year. Furthermore, the tree can be viewed as forming an oppressive and overbearing feature which will, through falling leaves and use by wildlife such as birds, be detrimental to the

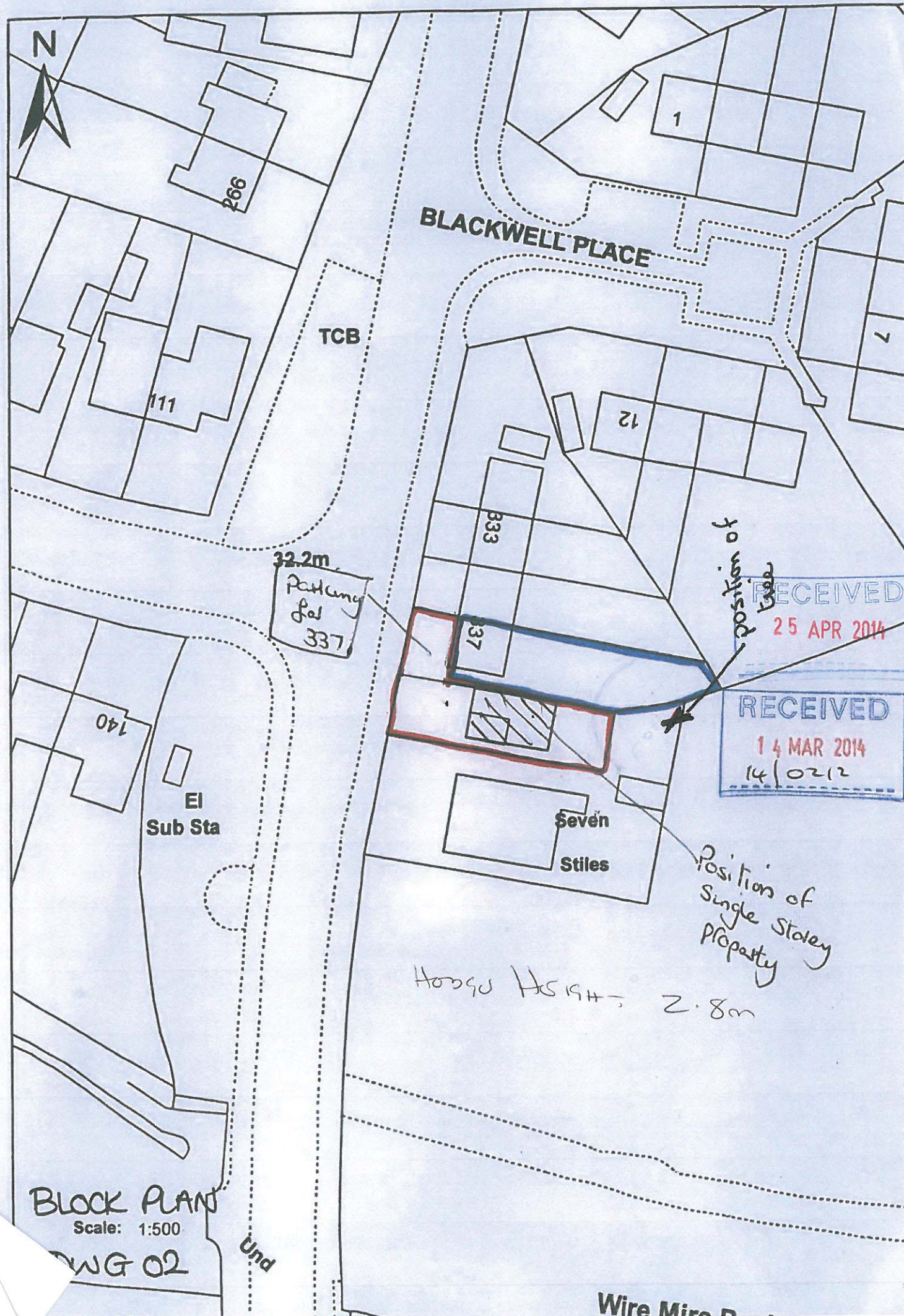
living conditions of any occupiers of the proposed dwelling. These poor conditions would inevitably result in pressure from future occupiers of the proposed dwelling to prune or fell the tree to the significant detriment of the amenity and character of the area. In such circumstances the proposal is therefore considered to represent overdevelopment of the site contrary to the underlying objectives of the NPPF, Policy CP3, Criteria 2, 5 and 6 of Policy CP5 and Criterion 3 of Policy H2 of the Carlisle District Local Plan 2001-2016.



RECEIVED
14 MAR 2014
14/0212

Scale: 1:1,250
LOCATION PLAN
DWG 01

Tree Info.



BLACKWELL PLACE

TCB

32.2m
Parking lot
337

Sub Sta

Seven
Stiles

position of
tree

RECEIVED
25 APR 2014

RECEIVED
14 MAR 2014
14/02/12

position of
single storey
property

Hoag's House 2.8m

BLOCK PLAN
Scale: 1:500
DWG 02

Wire Mine



