

Application Number: 16/02987/FUL

Indoor swimming pool, kitchen extension, pitched roof to existing porch / garage and associated alterations, including taking down Ash tree and Leylandii hedge.

AT Ash Keys, Clifton Road, Newton Blossomville

FOR Mr Andy Dodge

Target: 14th December 2016

EOT: 23rd March 2017

Ward: Olney

Parish: Clifton Reynes & Newton Blossomville Parish Council

Report Author/Case Officer: Samantha Taylor, Planning Officer

Contact Details: 01908 252724 samantha.taylor2@milton-keynes.gov.uk

Team Leader:: Stephen Gee, Senior Planning Officer

Contact Details: 01908 253145 stephen.gee@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

- 1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public access system www.milton-keynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.
- 1.2 The application has been referred to the Development Control Panel for determination following an objection from the Parish Council and 3 third party objections.
- 1.3 **The Site**
The application site is a brick residential property set within a large plot in the village of Newton Blossomville. The property forms part of a grouping of 4 properties that are arranged around an access from High Street. The site lies within the Newton Blossomville Conservation Area.
- 1.4 **The Proposal**
The application seeks planning permission for a single storey side and rear extension. The side extension would be located to the east of the existing property and adjacent to the shared boundary with Bagatelle. The side

extension would measure 9metres wide by 13metres in depth. This side extension is shown to house a swimming pool and would include the provision of bay window to the front, glazed bi-folding doors to the rear and glazed roof lantern. To the rear of the side extension would be an enclosed canopy area, to provide an all year round seating area. This canopy would measure 3.5 metres wide by 2.3 metres in depth. The proposed single storey rear extension would provide an additional family room, and would measure 7.5 metres, attaching to the proposed side extension.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 RELEVANT POLICIES

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2.2 National Policy

National Planning Policy Framework (2012) paragraphs:

Paragraph 7 – Requirements for achieving sustainable development

Paragraph 17 –Core Planning Principles

Section 7 – Requiring Good Design

Paragraph 39 – Parking Standards

Section 12 – preserving and Enhancing the Historic Environment

2.3 Local Policy

Core Strategy 2013

CS13 - Ensuring High Quality Well Designed Places;

CS19 The Historic and Natural Environment

Milton Keynes Local Plan 2001-2011 (Saved Policies)

D1 - Impact of Development Proposals on Locality

D2 - Design of Buildings

T15 - Parking

HE6 – Conservation Areas

Supplementary Planning Documents

New Residential Development Design Guide (2012)

Parking Standards (2016)

Neighbourhood Plan

There is not a designated neighbourhood plan area or emerging plan.

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1
- Principle of Development
 - Design of the Extension
 - Impact on the Streetscene
 - Impact on the Conservation Area

- Impact on Neighbour Amenity
- Highways Impacts

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

4.1 It is recommended that planning permission be granted subject to the conditions set out at the end of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have led to the officer Recommendation)

5.1 Principle

Saved policy D2 of the Milton Keynes Local Plan 2001-2011 allows for the extension to dwellings, as such the proposed development is considered acceptable in principle. This policy also states, that extension will only be permitted subject to the acceptability of other considerations including design, scale and siting, which are discussed further on in this report.

5.2 Design of Buildings

Saved policy D2 of the Milton Keynes Local Plan 2001-2011 requires development proposals to secure good design and contains criteria that must be fulfilled. The criteria that is relevant to the consideration of this application, are as follows:

‘Development proposals for buildings will be refused unless they:

- i) Are in scale with other buildings in the immediate vicinity*
- ii) Relate well to and enhance the surrounding environment*
- iv) Allows for visual interest through the careful use of detailing ...’*

5.3 Good design is a key aspect of sustainable development and should positively contribute to making places better for people. This requirement is also outlined within Section 7 of the National Planning Policy Framework.

5.4 Much of the proposed extension is located to the east side of the existing dwelling, Ash Keys. The design incorporates a flat roofed side extension with large bay window and roof lantern. To the rear there would be a large area of glazing with doors into the proposed canopy and patio area. The exterior would be finished with off-white render. The proposed canopy includes a low level rendered wall with timber feather edge boarding above

5.5 To the rear of the dwelling a single storey extension is proposed. This includes a pitched roof, including 3 roof lights and large areas of glazing. The exterior would be finished with off-white render.

5.6 The proposed render is a different material to that of the existing brick property, however, it is a facing material which is found within the local area. The proposed design, is fairly simple and incorporates contemporary features, such as through the provision of large areas of glazing and the roof lantern that will be visible from public view points. The design reflects the more modern style of the existing chalet style property and is considered to

be acceptable.

5.7 The scale of the proposed development, whilst large, is well-suited to the surrounding development which contains large detached properties interspersed with smaller cottages and properties, which represents the historic development of Newton Blossomville.

5.8 The proposed design of the extensions are considered to comply with saved policy D2 of the Milton Keynes Local Plan for the reasons set out above.

5.9 Impact on the Streetscene

The application site is set back from the main road, Clifton Road, with the access serving 4 residential properties. To the front of the site is an area of hard standing with the provision of landscaped areas, including borders and a large tree. The access also benefits from a low stone wall with taller pillars set within the site. Views of the side extension site are limited from the public realm, but will exist.

5.10 Notwithstanding, limited views of the side extension because of the existing landscaping, the properties along the streetscene have a different style and identifying features such that the character is not continuous. Whilst it is recognised this adds to the rural character of the village, the differences in property style, scale and design are important.

5.11 The existing hedging, to the front of the application would screen public views onto the extension and would be retained by the proposed development. The removal of the ash tree to the rear of the site, is no longer proposed as part of this application.

5.12 By reason of the siting of the property set back from the main road by 38 metres and the appropriate design of the extensions, it is considered that the proposed development would comply with saved policies D2(ii) and D2A(ii) of the Milton Keynes Local Plan 2001-2011 which seek to protect the character of the area .

5.13 Impact on the Conservation Area

The Local Planning Authority have a statutory duty to pay special regard to conserving the character of the Conservation Area as outlined in Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. In addition, saved policy HE6 of the Milton Keynes Local Plan requires development proposal that affect the setting of a Conservation Area to preserve or enhance the character and appearance of the area. This is similarly represented by policy CS19 of the Core Strategy. Section 12 of the NPPF similarly attaches great weight to the conservation of heritage assets which includes Conservation Areas.

5.14 The character of the Newton Blossomville Conservation Area lies within the vernacular style of the properties, located largely in a linear form along the main highway, Clifton Road. The village has a rural character, which has

developed overtime with more contemporary style of properties interwoven amongst historic cottage style properties, such as this grouping of chalet style properties and the more traditional but modern properties located in The Rickyard. This has resulted in various materials being used in the treatment of external elevations, such as brick, stone, render and painted brickwork with slate of tiled roofs. Also of importance to the character is the close-knit feel of the village, with properties largely facing onto the main highway, which tends to be a narrow road with no public pathways.

5.15 The proposed development is representative of the contemporary style of property found within this part of the Conservation Area and uses white render which is a traditional material found within the locality. The proposed development is considered not to cause harm to but preserve the character of the Conservation Area and would comply with saved policy HE6 of the Milton Keynes Local Plan, policy CS19 of the Core Strategy and Section 12 of the NPPF.

5.16 Impact on Neighbour Amenity

Saved policy D1(iii) of the Milton Keynes Local Plan seeks to protect residential amenity by ensuring that development proposals do not result in a harmful loss of light, privacy or cause a visual intrusion. Saved policy D1(iv) protects amenity from unacceptable noise, smell or light pollution.

5.17 The proposed development would incorporate only single storey elements, with care taken through the provision of a flat roof with a roof lantern in order that the height of the side extension would be low. The side extension is the part of the proposed development which lies in closest proximity to the neighbouring property, Bagatelle. From the shared boundary to the neighbouring property Bagatelle, the spacing and separation distance would be 13.2 metres. Whilst there is no policy requirement outlined within the Local Plan or supporting New Residential Development Design Guide, given the single storey height of the proposed development and the spacing and separation distance, it is not considered the proposed side extension would cause a significant loss of light to the neighbouring property. The proposed development would not result in a loss of privacy to the neighbouring property Bagatelle as no windows are proposed in the side elevation of the side extension.

5.18 Other neighbouring properties that lie in close proximity to the proposed development is Lamorna and Peveril. These properties would have an offset relationship to the proposed extension, meaning that the properties do not face directly onto the development. The proposed development would not fall into the spacing and separation standards outlined within the New Residential Development Design Guide in respect of these properties. Given the single storey height of the proposed development and the offset relationship, it is considered the proposed development would not result in a significant loss of light or privacy to the occupants of the adjacent dwellings Lamorna and Peveril.

- 5.19 The proposed application does not contain any detail regarding the provision of plant machinery and a number of concerns have been raised with regards to the potential noise generation from such machinery. However, the provision of plant machinery unlikely to constitute development meaning the planning department would not have any control of the imposition of such machinery. The installation of plant machinery would be controlled by the Environmental Health Legislation and operations in terms of the noise generation.
- 5.20 The provision of the external canopy to the rear of the proposed side extension is not considered to result in the generation of significant noise pollution such that a refusal would be warranted, especially given the spacing and separation distance to adjacent neighbours.
- 5.21 By reason of the scale and location of the proposed development, the proposed development would not cause significant harm through a loss of privacy, light or cause a visual intrusion to neighbouring properties. Nor is the development expected to result in a harm to neighbour amenity through the creation of noise pollution. Therefore, the proposed development would comply with saved policy D1(iii) of the Milton Keynes Local Plan 2001-2011.
- 5.22 **Highways Impacts**
Saved policy D1(v) of the Milton Keynes Local Plan 2001-2011 seeks to ensure that proposed development will not result in inadequate access to or vehicle movements within the site. Saved Policy T15 requires development proposals to provide sufficient parking spaces in line with the requirements outlined within the Parking Standards SPD.
- 5.23 The proposed development would not result in an intensity of the residential use of the site that would result in the requirement to alter the access or provide additional parking spaces. The existing access from Clifton Road will be used along with the parking provided to the front of the site. As such, the proposed development would comply with saved policies D1(v) and T15 of the Milton Keynes Local Plan 2001-2011.
- 5.24 **Impact on Trees**
It is noted that the Arboricultural Officer has objected to the application because of the removal of the Ash tree to the rear of the site. This is because the Officer considers there is not sufficient justification to warrant the tree being removed. The submitted plans have been amended and no longer propose the removal of this tree.
- 5.25 Whilst the leylandii hedge to the side of the site would be lost, the existing hedge to the front of the extension site would be retained. The leylandii hedge to the side of the dwelling is considered to have a limited contribution to the character of the area and its loss would have a neutral impact on the character of the Conservation Area. Imposing the conditions recommended by the Arboricultural Officer would preclude the development from taking place and it is not the intention of a condition to restrict development should planning permission be granted.

5.26 Conclusion

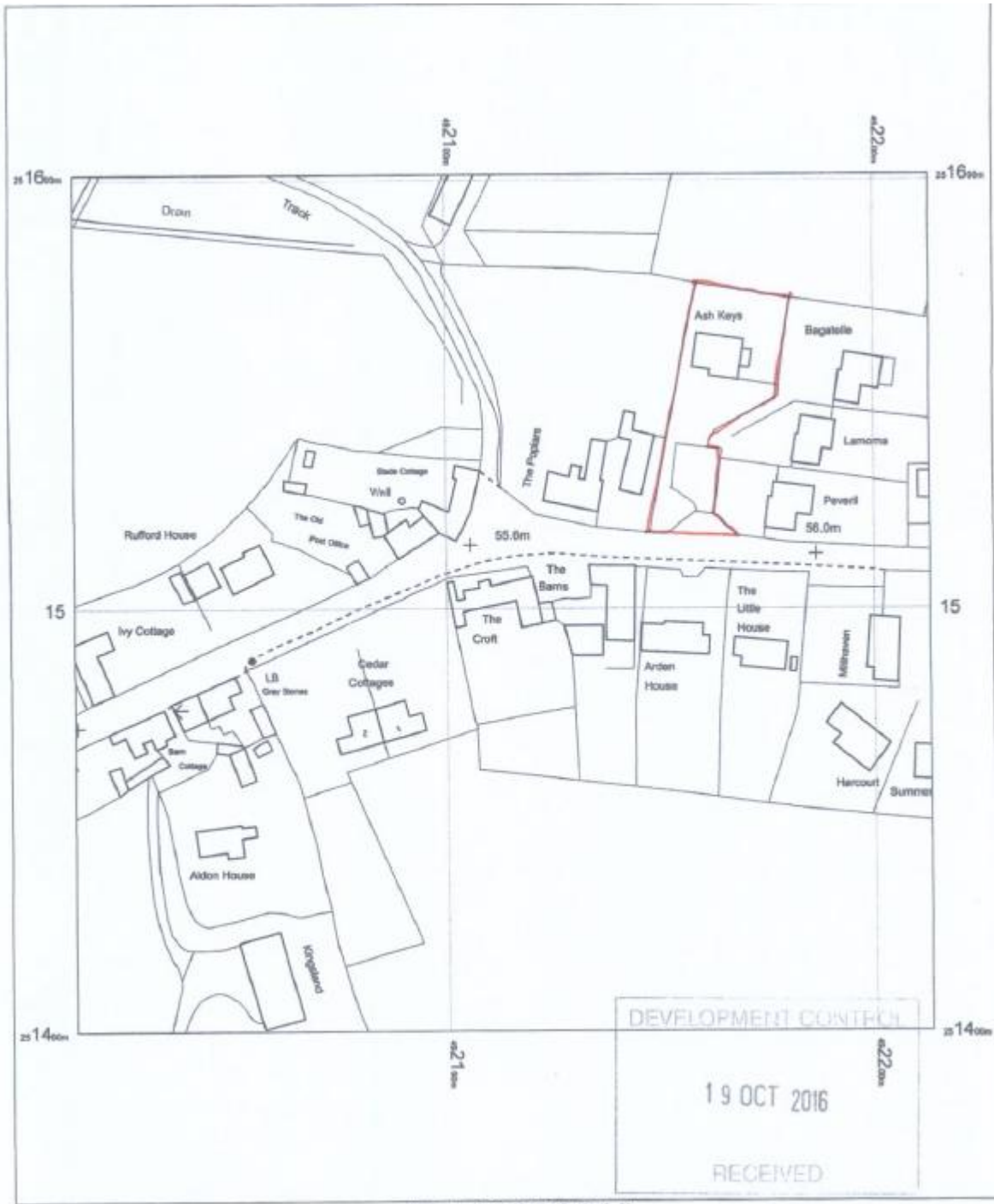
The proposed development would result in the single storey side and rear extension of the existing residential property Ash Keys, Clifton Road, Newton Blossomville. It is considered the design and appearance would be acceptable and would not cause harm to the streetscene or character of the Conservation Area. The proposed development would not result in significant harm to neighbour amenity nor would the development cause harm to highway safety. As such, it is recommended that planning permission is granted subject to the conditions outlined in section 6.0 of this report.

6.0 CONDITIONS

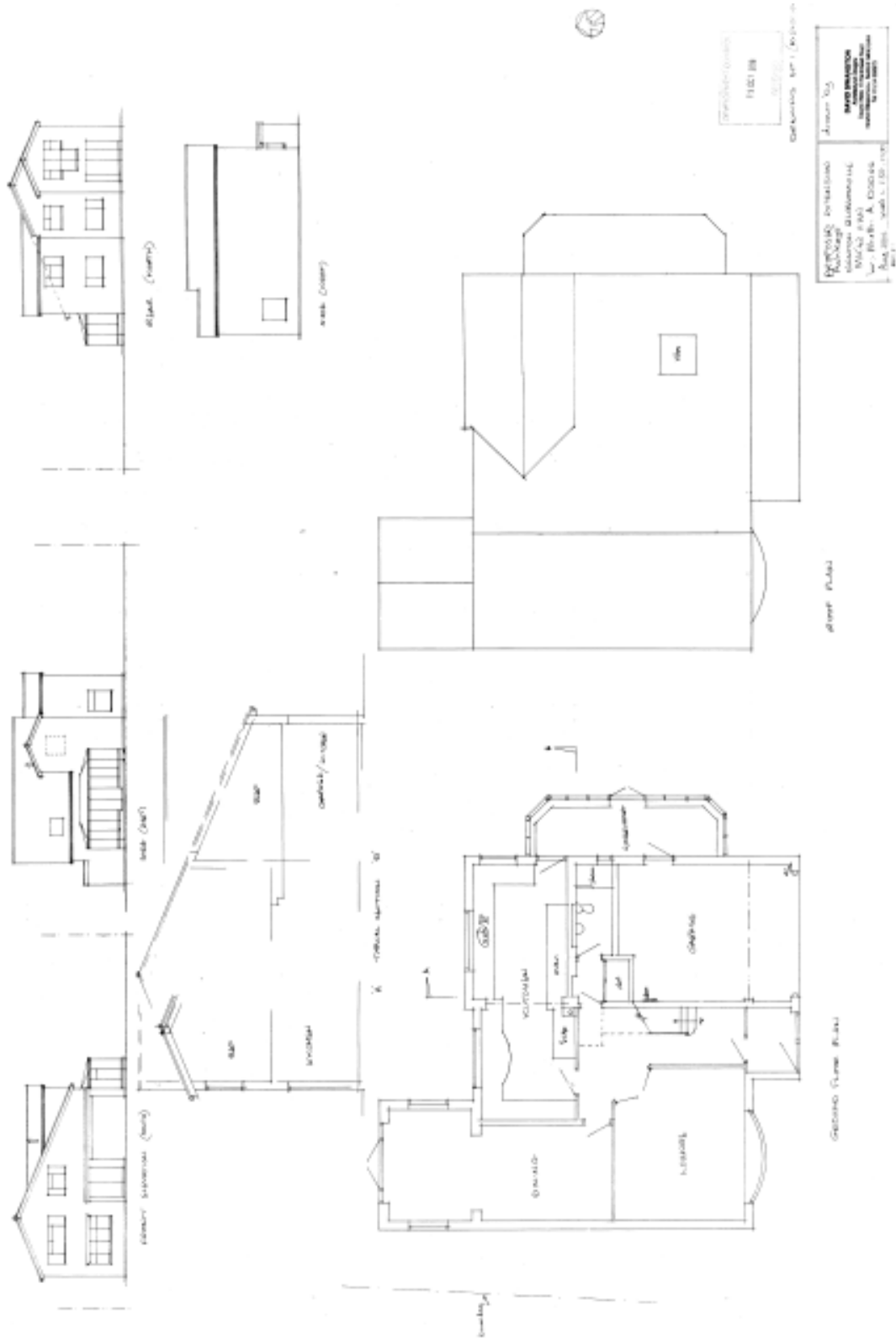
(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

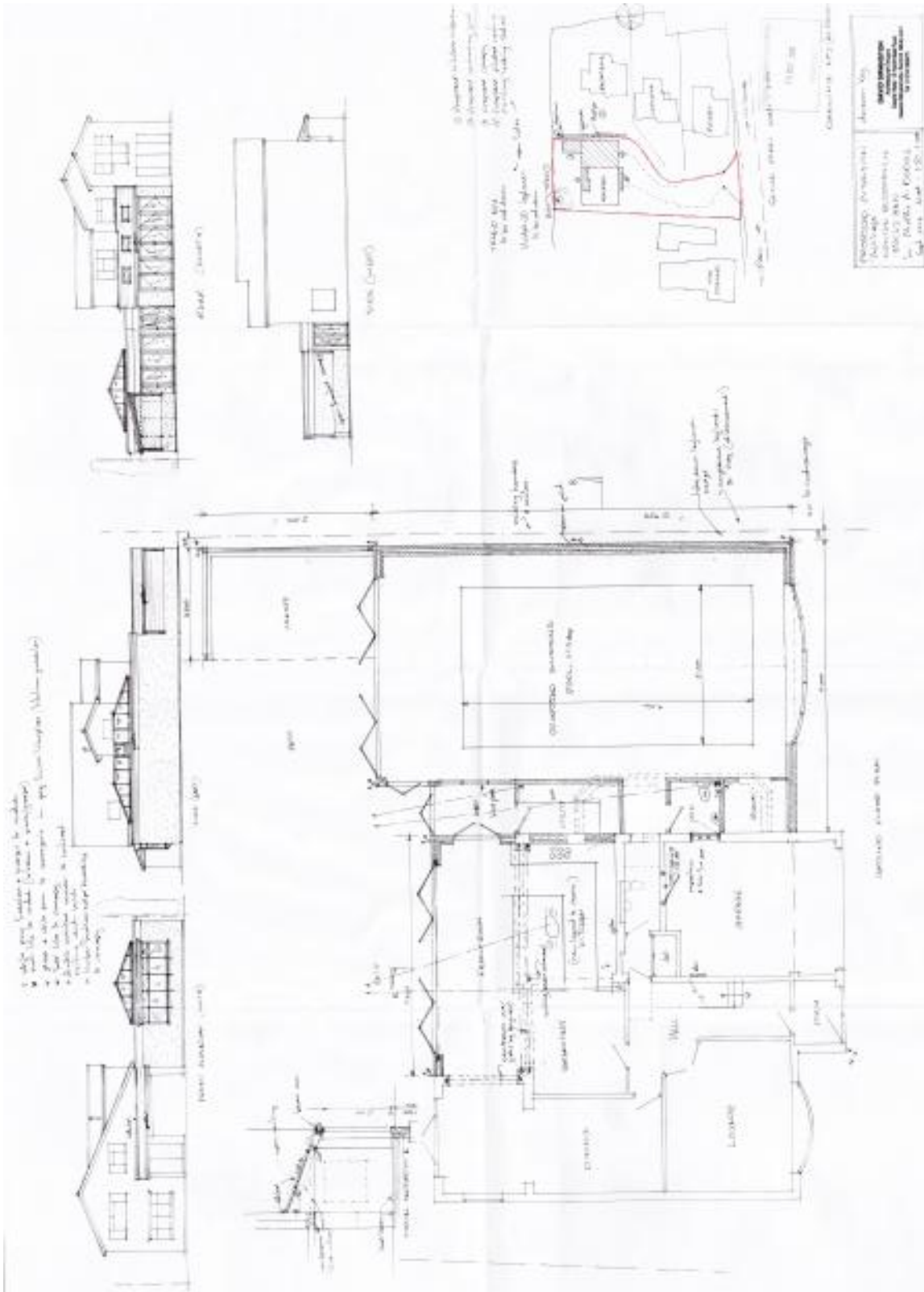
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)



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Existing Plans and Elevations



Proposed plans and elevations

Appendix to 16/02987/FUL

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

- A1.1 07/02239/FUL
FIRST FLOOR REAR EXTENSIONS
PER 05.02.2008

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

- A2.1 None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Cranfield Airport

No response received.

Noted.

Councils Archaeologist

Response received, no comments.

Noted.

Parish - Clifton Reynes & Newton Blossomville

Objection, summarised as:

Noted.

- The proposed development would result in the loss of greenery that would harm the view of the Conservation Area from the road.
- The proposed materials would not be in keeping with the surrounding Conservation Area.
- The scale of the proposed development would not be in keeping with the immediate surrounds or Conservation Area.
- The provision of plant machinery for the pool would cause harm to the neighbour amenity of adjacent properties. No drawings or details have been submitted as part of this application.
- The provision of a pool, with a roof lantern will increase the noise created, to the detriment of adjacent neighbours.
- The proposed canopy area would allow for all round use and generate noise levels to the detriment of

The impact of the development on the character of the Conservation Area is discussed at paragraphs 5.13-5.16 of this report.

The noise impacts of the provision of plan equipment is discussed at paragraph 5.20. of this report.

The noise impacts of the proposed canopy area are discussed at paragraph 5.21 of this report.

adjacent neighbours.

- The provision of glazing would result in light pollution, to the detriment of neighbouring properties and the Conservation Area.
- Concern of the boundary shown on the submitted plan.

Ward - Olney - Cllr P Geary
No comments received.

Noted.

Ward - Olney - Cllr Hosking
No comments received.

Noted.

Ward - Olney - Cllr McLean
No comments received.

Noted.

Landscape Services Manager – Trees
Dwelling extension

This application appears to be more than just a minor extension; the proposal seems to increase the footprint of the building by about 100% and places the development very close up against the boundary with adjacent properties. This will affect adjacent trees and hedges, inside and outside the site. Therefore a BS 5837:2012 survey of trees and hedges that will be removed or affected by the development should be submitted for approval to enable assessment of their quality and thereby the impact of the development can be assessed and any amendments necessary to assist retention of good quality trees can then be made and agreed. Where appropriate provision for nil excavation foundations and surfacing should be used to minimise root damage to retained trees.

Noted.

Whilst it is noted that the development would result in the loss of part of the leylandii hedge and could impact on the root protection zone of the neighbouring leylandii hedge, it is not considered reasonable to impose a condition relating to the fencing of the root protection area. This is because, the development would not be able to be carried out and it is not the intention of a condition to restrict development, should planning permission be granted.

Trees are a material consideration in the planning process and I refer the applicant and agent to the industry standard document BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' which along with general recommendations includes a flow-chart for the planning/development process in relation to trees.

Ash tree near the northwest corner of the property.

The planning application seeks to include the removal of this tree. This tree is protected by virtue of being within the conservation area however there appears to be a question as to its ownership.

As this tree is not directly associated with the proposed development I strongly advise that the merit of any works proposed to it should be considered separately under a Section 211 Notice, rather than by being tacked onto a planning application for something else entirely.

Obviously if there is an immediate danger posed by the tree, then we would initially waive the six week period associated with Section 211 Notice, and consider instead a 5 day removal notice, though naturally this would be subject to confirmation of the dangerous condition by the councils arboriculturalist before agreement with the notice could be made.

Other trees on site.

There are quite a lot of other trees on site particularly to the frontage of the property and these should benefit from default tree protection measures as laid out in BS 5837 2012.

Summary:

Permission must not be given to fell the northwest Ash tree as part of this development; if works are desired to be carried out, a section 211 notice should be submitted as a separate matter.

A tree survey, arboricultural implications & method statement and tree protection proposals must be carried out and submitted for approval.

Tree protection measures in accordance with BS 5837:2012 should be erected to ensure the safety of trees to be retained.

Suggested conditions for any permission granted:

1. All existing trees, woodlands and hedges to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' All protective measures especially the fencing and ground protection must be put in place first, prior to any other work commencing on site (this includes vegetation clearance, ground-works, vehicle movements, machinery / materials delivery etc.) The fencing shall be of the same specification as that depicted in figure 2, page 20 and ground protection as specified in 6.2.3.1 - 6.2.3.5 pages 21/22 in BS 5837: 2012.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

Once erected the local authority tree officer shall be notified so the fencing can be inspected and approved.

It is not considered reasonable to impose the recommended conditions on the decision should planning permission be granted as outlined in paragraph 5.25.

The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials, for the duration of the construction phase. The developer shall submit details of the proposed layout and general arrangements of the site in relation to the trees to be retained. In particular details of storage areas including what substances will be stored and where, locations of car parking, welfare facilities, cement plant, fuel storage and where discharge, filling and mixing of substances will take place. The details should include site levels to enable risks posed to trees to be quantified. The RPA will be amended as the arboriculture officer feels appropriate after taking account of the details submitted. No fire shall be lit such that it is closer than 20 metres to any tree or that flames would come within 5 metres of any part of any tree. Earthworks, level changes, service runs, foundations and all other works involving excavation should not be located within the root protection areas.

2. The submission of a tree survey and report, an arboricultural impact statement, a tree protection plan and an arboricultural method statement all in accordance with BS 5837:2012 would be appropriate, following which pertinent amendments should be made to the proposed layout and levels in light of the arboricultural findings, in order that the best existing trees are viably retained within the development for the long term. It should include a scale plan accurately marking the

position of all the retained trees and hedges, the extent of the root protection areas, the BS 5837: 2012 tree protection fencing along the root protection area margin, any areas to be covered in BS 5837: 2012 ground protection, construction details for the BS 5837: 2012 fencing and ground protection and sufficient detail of hard & soft landscaping works, service and drainage runs and proposed & existing spot levels in sufficient numbers and at appropriate spacing's to enable the impact of the development on the tree root zones to be assessed.

Landscape Architect

Objection, summarised as:

- There is no justification for the removal of the ash tree located within the rear garden
- The scale of the extensions would not be in keeping with the landscape character or local environment
- There are no landscape or biodiversity improvements proposed to mitigate the loss of garden grounds, trees, hedging and habitat

Noted. Given the scale of the proposed development and the comments received from the Arboricultural Officer it is not considered that any biodiversity enhancement measures would be required.

Local Residents

The occupiers of the following properties were notified of the application:

Arden House Clifton Road Newton Blossomville
No comments received.

Noted.

The Poplars Clifton Road Newton Blossomville

- Request for the copies of the engineer's details for the foundations of the proposed development
- The Ash Tree proposed to be felled is located on the land under the ownership of The Poplars and not on the land belonging to Ash Keys as such the tree cannot be felled.
- The potential removal of landscaping would expose development on the site.
- The proposed materials would not be appropriate in the Conservation Area
- The proposed development would result in the overlooking of the land to the rear of the site, under the same ownership as The Poplars.
- The proposed glazing to the rear would not be in keeping with other properties within the Conservation Area
- The canopy 'all weather dining area' would result in significant noise pollution

Peveril Clifton Road Newton Blossomville

No comments received.

Lamorna Clifton Road Newton Blossomville

- The scale of the proposed development would not be in keeping with the surrounding development and would result in overdevelopment of the site.
- The external materials proposed (off-white render) would not be in keeping with surrounding properties

Noted.

The engineering details would fall under the building regulations and is not a material planning consideration.

The ownership of the tree as shown on the submitted plans to fall within the ownership of Ash Keys. Notwithstanding this, the planning system is not involved with ownership disputes as this would be a civil matter.

The impact of the development on the Conservation Area is discussed at paragraphs 5.13-5.15,

The impact of the development on Neighbour amenity is discussed at paragraphs 5.16-5.21.

Noted.

The impacts of the proposed development on the streetscene is discussed at paragraphs 5.9-5.12.

The impacts of the development on the Conservation Area are discussed at paragraphs 5.13-5.15.

The impact of the development on the trees is discussed at paragraphs 5.24

- There is an over-use of glazing that would not be in keeping with the Conservation Area
- The loss of the Ash Tree would be of detriment to the Conservation Area
- Any potential removal or diminution of the hedge and trees along the front boundary of Ash Keys would impact the view of the property.
- The proposed pool and subsequent machinery will result in noise pollution that will harm the amenity of neighbouring residents.
- The proposed roof lantern 'orangery roof' would result in light pollution
- The canopy 'all weather seating area' will result in the generation of noise to the detriment of neighbour amenity

Bagatelle Clifton Road Newton Blossomville

- Request for copies of the engineers details for the foundations of the proposed development
- Concern over the maintenance of the boundary fence during the construction of the proposed development
- The external materials would be out of keeping with the immediately adjacent properties.
- There are no plans for drainage associated with the development or proposed pool.
- There are no technical details of the plant machinery associated with the development. The provision of the pool and its machinery would result in harm to the neighbour amenity through noise/smell.
- The proposed design and materials to the canopy

The engineering details would fall under the building regulations and is not a material planning consideration.

The maintenance of the boundary fence is not a material planning consideration and is a civil matter.

The impacts of the proposed development on the streetscene is discussed at paragraphs 5.9-5.12.

The impacts of the development on the Conservation Area are discussed at paragraphs 5.13-5.15.

The impact of the development on the trees is discussed at paragraphs 5.24

The impact on highways is discussed at paragraphs 5.22-5.23

('all weather eating area') would be out of keeping.
The proposed canopy area would result in harmful
noise pollution

- The amount of glazing on the proposed rear elevation would be out of keeping with the area.
- Parking in the close may increase as a result and would make access and parking more difficult.