

GUIDANCE NOTE

This has been amended to include certain replacement spacing standards to be found in the Council's more recently adopted Supplementary Planning Document, 'Leading in Design' and Leicestershire County Council's approved 'Highways Transportation and Development'

BACKLAND DEVELOPMENT

Introduction

The erection of a dwelling or dwellings on parts of large gardens attached to existing dwellings is a regularly occurring form of development within towns and villages. There are often areas of housing where there are numbers of adjacent properties with long gardens which, when combined together, can form large areas of land which are beyond the maintenance capabilities or recreational needs of the present occupiers and well beyond present day standards for new development. Development of such sites can clearly be of financial benefit to the owners of the property without unduly detracting from their residential amenity, but it can also be a source of land available to meet the need for new housing within the urban area, often near to existing services and facilities, which in a modest way can reduce the need to develop new sites on the edge of settlements.

The development of such sites is commonly known as backland, or tandem, development and it is not without its problems and difficulties. The purpose of this guidance note is to outline the planning authority's criteria for assessing such proposals when determining planning applications.

It needs to be understood that there will be instances where other factors will be considered before the guidance in this document is applied. Particular planning policies, most notably those which define the limits to development in an area or where a site is in open countryside, may well rule against a planning permission in the first place. However, where a development may be appropriate, the Council's intention is to apply the criteria set out below in all cases whilst recognising that there will be a need to take into account the individual circumstances of each case. Preserving or enhancing the character of a conservation area or protecting the setting of a listed building would be among matters that could affect the judgement to be made.

The fact that an occupier of an existing property would be prepared to tolerate a lower level of amenity or safety than these guidelines promote, to encourage a planning permission to be granted, will not weigh in favour of an otherwise unacceptable proposal. It is important that such applications are determined with consistency and in the wider public interest which the planning system primarily serves. Over time the occupancy of property changes and the general level of the quality of living environments must be an important consideration.

Backland development is generally the more comprehensive development of land behind an existing frontage whilst tandem development is generally the placing of one dwelling behind another within a single plot. The first can be acceptable but the second is generally much less so, unless the existing form of development is spacious and without a well defined frontage.

Government planning policy guidance

Planning Policy Guidance Note 3 (Housing) states that:-

“homes with large back gardens are a common feature in many urban, suburban and village areas. Sometimes it may be acceptable to develop back gardens for new housing which is in keeping with character and quality of the local environment. Where development of back garden or backland is allowed it will require careful planning. For example, there must be proper means of access which is convenient and safe for both drivers and pedestrians and adequate provision for car parking. There must be adequate space between old and new buildings to avoid spoiling the amenity of neighbouring houses, for example by overshadowing. Sensitive design and good landscaping are particularly important if new buildings are to be fitted successfully into small vacant sites in established residential areas. 'Tandem' development, consisting of one house immediately behind another and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front.”

This broadly reflects the Borough Council's experience and, as a result, it has formulated a number of criteria and standards which will normally be applied.

Effect on the Character of the Area

Protecting the character of the area is an important objective. This will be particularly applicable where an area has special characteristics, for example, on the edge of a village where there is a linear form hemmed in by countryside which would be compromised by the establishment of a line of sporadic backland development, harmful to the setting of the village. Special considerations in terms of design and layout would apply in conservation areas and close to listed buildings to protect important street scenes and the setting of buildings. The local planning authority would be unlikely to allow the removal of significant trees, especially those in conservation areas, to facilitate a new development.

Regard will also be had to the more general characteristics of an area and the extent to which development behind an existing frontage could be repeated to create a number of tandem developments served by a multiplicity of accesses. The view will generally be taken that this form of development causes a detrimental change to the character of an area, a lowering of standards of residential amenity, a reduction in highway safety and an unwarranted burden on the provision of services and facilities to residential property.

However, where the principle of a backland or tandem development is considered acceptable, then a number of criteria will need to be met before a planning permission will be forthcoming and these are set out below.

Coping with Vehicles

Making proper provision for vehicles is an important part of the process both in terms of safety and residential amenity. It is for this reason that proposals which might result in a number of new accesses being formed will generally be unsatisfactory as a high proportion of road accidents involve the use of accesses. All proposals must also make alternative provision for any existing dwellings whose access and parking might be affected by a proposal for new dwellings.

An access drive serving one dwelling needs to be a minimum of 2.75m wide. If longer than 45m, it should be a minimum of 3.7m wide over its whole length to allow for access by fire engines and other service vehicles. For 2 to 5 dwellings a minimum width of 4.25m is required, for at least the first 5m – then 3.7m. A minimum width of 4.8m is required for drives serving more than 5 dwellings. In some circumstances, such to allow trees or other important features to be retained, it may be acceptable to allow a narrowing of a 4.25m access to 3.7m, although such accesses need to be at their full width for the first 10m from the highway to allow vehicles to pull off the road and to pass. All drives should normally allow vehicles to turn and leave the site in a forward direction and drives in excess of 25m will need to make provision for the turning of service vehicles, in terms of both layout and construction. In most cases, and certainly where an access is bounded by solid walls fences, hedges or a line of trees, a 0.5m overhang strip either side of the drive surface should be provided to ease the flow of vehicles.

All accesses across a footway need to accommodate 2m x 2m pedestrian visibility splays for the safety of pedestrians. Vehicular visibility splays will depend on the speed of traffic on, and the status of, the highway but is unlikely to be less than 2.0m x 45m within a 30mph area. Further advice is available in 'Highways Transportation and Development' on individual cases, should this be required.

It will normally be necessary to hard surface the first 5m of a new access to prevent loose material being deposited on the highway, although other amenity considerations might require more of an access to be surfaced in a hard material to reduce noise or to improve the appearance of an access. New accesses will need to be constructed so as to prevent drainage onto the public highway.

Car parking should be at the rate of two spaces for dwellings with less than four bedrooms and three spaces in all other cases, but subject to the sustainability of the location. The parking should be in discreet locations where it does not impinge on the outlook from properties or is likely to cause disturbance.

For more detailed information on the guidance of the Leicestershire County Highway Authority, please use to the following link:

http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part3.htm#section_dgl8

Residential Impact

The impact of this form of development on existing residential property comes from two main sources, the first being the new dwellings themselves and the second from the use of the access to the new dwellings. Such development impacts on both the existing houses and also their gardens. The impact is also dependent on the number of new dwellings involved and whether it is the effect on the front and/or the rear of the existing dwelling that is being assessed. The following guidance relates to two-storey development and would need to be carefully interpreted for development at three or more storeys.

The effect of the new dwelling

As far as the effect of the new dwelling is concerned, the Council's normal space standards for new development are to be found in its adopted SPD 'Leading in Design' which states that there should be 21m between opposing private elevations containing main windows. This increases to 27.5m if the new dwelling involves main habitable rooms (kitchen, lounge or dining rooms) at first floor. There should be 12.5m between principal elevations with main windows and side gable walls without windows (unless these are minor obscure-glazed landing, WC or utility room windows). These distances vary if there are differences in floor levels between the respective properties. Retained and new dwellings should have a minimum garden area of 75sqm. Smaller units designed specifically for single persons or for elderly persons may have less, depending on the circumstances involved. This may apply where the new unit is only to be occupied in connection with the host dwelling. The layout of any new development should ensure that there is an outside area adjacent to each existing and new dwelling, related to a main living room that is more than 21m from any potentially overlooking window, to ensure that residents enjoy a reasonable level of privacy. There should be a minimum of 10.5m from a principal elevation with main windows to any other adjacent garden area bordering onto the new development, in addition to the standards referred to above. Regard should also be had to the overshadowing of adjacent gardens by gable elevations depending on the orientation of the development. Developments should seek to use the siting of any single storey elements such as garages close to plot boundaries to minimise the impact of the new development on adjacent occupiers.

In most cases it will be necessary to consider screening the boundaries of a new development for privacy reasons and to reduce noise and disturbance. Such measures only substantially affect the ground floors and open areas although, to a small degree, planting can supplement distance as a measure to reduce loss of privacy. Brick walls have better noise attenuation qualities than fences or hedges and will be most appropriate where possible sources of noise would be close to an existing house or the garden area immediately outside it.

Proposals for single storey dwellings generally reduce the potential for loss of privacy for existing properties but still need to be protected from overlooking from existing houses, e.g. 21m will be required between opposing private elevations containing main windows. Other considerations remain largely unaffected.

The effect of the access

The movement of vehicles and pedestrians along newly formed accesses between or close to existing dwellings in an established frontage is a common cause of concern in terms of the effect of noise and disturbance and loss of privacy. In most instances it will be important that any new property or group of properties has an independent access to separate the new traffic movements from the existing dwellings. The carriageway of an access serving a backland site should be a minimum of 2m from any blank elevation of an existing property (excluding a garage to that property). It should be 3m from any side or front elevation windows or doors to ancillary rooms (such as to a hall, bathroom, landing, utility room or WC but excluding a garage) and 5m from any side or front elevation windows or doors to kitchens, lounges, dining rooms, bedrooms or other main living rooms. Where an access is routed along the back of dwellings, adjacent to garden areas serving the main private outdoor space and looked onto by main windows, the distance from the dwelling to the new access should be not less than 11m. Secondary windows to main living rooms will be dealt with on their merits but, generally, as with windows to ancillary rooms. This presupposes that there is intervening screening to the existing property or that the developer is in a position to provide such screening. Where any elevation with a window would face onto a new access, this screening should generally take the form of walls for the whole length of the elevation being protected and should include an additional length at the rear to protect any garden immediately outside any main living room. Care will need to be taken to ensure that screen walls would not block out adequate light and sunlight to main living rooms, or be unduly oppressive or restrictive on outlook. Where a new access passes close to an existing dwelling it should be hard surfaced to reduce the noise of vehicles. The sketches below seek to illustrate how this guidance will be applied.

Conclusion

The Council has formally approved the use of this note as Supplementary Planning Guidance and, **subject to the application of the more recently adopted standards to be found in Leading in Design and the County Highway Authority's 'Highways, Transportation and Development'**, the criteria contained within it will normally be applied unless there are material planning considerations for not doing so which are clearly demonstrated. If further assistance is required in the interpretation of the guidance, then the Development Control Team dealing with the area concerned will seek to assist.

Illustrative Sketches

Fig A. Blank gable wall

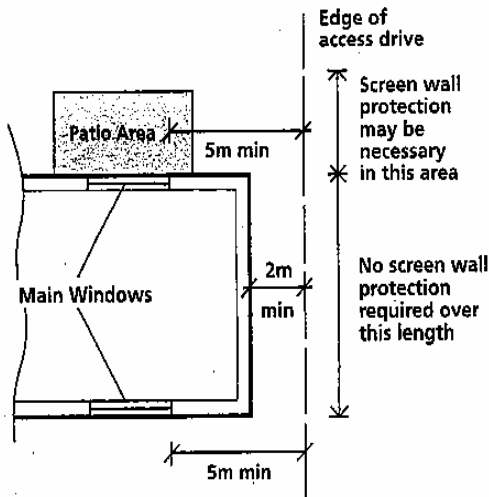


Fig B. Side gable with window

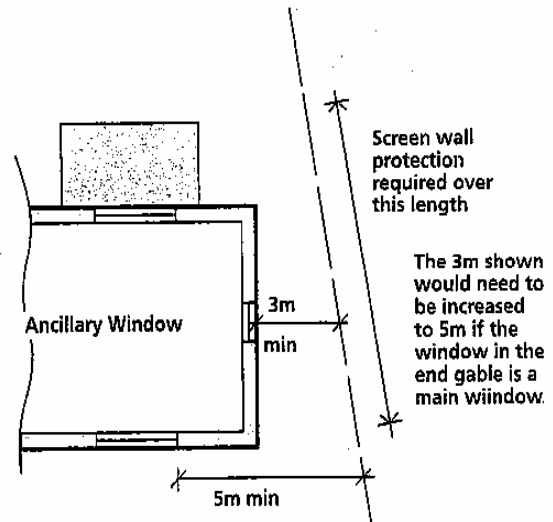


Fig C. Layout of Development

This diagram shows a simple layout for two houses served by an access between houses no. 3 and 5 to illustrate the space standards referred to above. The symbols M and A show the positions of main and ancillary windows and hatching denotes areas of outdoor space requiring a high degree of privacy.

