DELEGATED FILE NOTE

CASE OFFICER: ...Ben Glover.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00721/FPH	Erection of detached double garage	Kimoro Gun Road Knebworth Hertfordshire SG3 6BP

Submitted Plan Nos

AT692-10 AT692-11

1.0 Policies

1.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 28 – House Extensions
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

1.2 **National Planning Policy Framework**

Chapter 7 – Requiring good Design

1.3 **North Hertfordshire Draft Local Plan 2011-2031**

The Local Plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The policies of the Draft Local Plan therefore carry limited weight at this stage, however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

D1 – Sustainable Design
D2 – House Extensions and Replacement Dwellings
D3 – Protecting Living Conditions
T2 – Parking

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

2.0 **Site History**

2.1 17/02034/1PRE – Part single part two storey rear extension, conversion of garage into habitable space, pitched roof to existing porch and garage and erection of new detached garage – Proposal considered likely to be acceptable.

2.2 17/04042/FPH - Part two storey, part single storey rear extension, single storey front porch extension and works to facilitate conversion of existing garage into habitable space – Granted Conditional Permission on 22/01/2018.

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 13/04/2018 Expiry Date: 04/05/2018

3.2 **Press Notice:**

Start Date: Expiry Date:

3.3 **Neighbouring Notifications:**

The owners/occupiers of Lynwood, Gun Road and 7 Gun Meadow Avenue were notified on 26/03/2018. No neighbouring representations have been received.

3.4 **Parish Council / Statutory Consultees:**

Knebworth Parish Council – No objections.

Network Rail – No objections subject to the following recommendations:

"Given the proximity of the proposed build to the railway boundary, it is imperative that the developer liaise with our Asset Protection Team (details below) prior to any work taking place to ensure that the scheme can be carried out safely and without impact on operational railway safety. To help facilitate this process, I've attached a Development Questionnaire and would be grateful if this could be forwarded to the developer to be completed and returned to Asset Protection on the details provided.

Below are some further requirements that must be met;

Drainage
All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks
All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary
Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. ***Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.***

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

*The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.*

Network Rail is required to recover all reasonable costs associated with facilitating these works.

*I would advise that in particular the **method statements** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice."*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Kimoro is a two storey detached dwelling situated on the south side of Gun Road adjacent to the railway and within a predominately residential area of Knebworth. The property features a brick finish with uPVC fenestration, existing single storey front projection and side garage. The site benefits from off-street parking with space for two to three cars.

4.1.2 The local characteristics of this part of Gun Road consist of predominately semi-detached dwellings of 1930s semi architectural style. The application site is of a different architectural style compared to the rest of the street.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a single storey detached garage to the front of the existing dwellinghouse. The proposal would measure approximately 5.5m in depth, 7.9m wide and 3.9m in height with 2.2m to the eaves.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact that the proposed development would have on the living conditions of neighbouring properties.

--The impact that the proposed development would have on car parking provision in the area.

Design and Appearance:

4.3.2 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 7 - Requiring good design). In this regard, Policy 28 and 57 of the Local Plan is consistent with the NPPF.

4.3.4 The proposed development would be sited to the front of the site and along the boundary with the railway to the west of the site. The development would provide the current occupants of Kimoro with a two bay garage.

4.3.5 There are no existing examples of detached garages within the locality that are situated to the front of a host dwelling. Although it is recognised that the garage would be large in scale and sited to the front of the site, it would be appropriately placed along the west boundary of the plot alongside the railway. Therefore, the development would not unacceptably result in the screening of the property from the surrounding street scene.

4.3.6 Furthermore, the detached garage would be of an appropriate single storey height with a hipped roof form. When taking into consideration the site context, the development would, on balance, not result in a detrimental impact upon the character and appearance of the dwelling within the street scene.

4.3.7 Given the above, it is considered that the proposed development would not result in an unacceptable impact upon the character and appearance of the host property and would therefore be compliant with Policy 28 and 57 of the District Local Plan and the core principles set out within the National Planning Policy Framework.

Impact on Neighbouring Properties:

4.3.8 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan.

4.3.9 Given the siting of the proposed garage, away from neighbouring properties, it is considered that there would be no unacceptable impact upon neighbouring amenities arising from the proposed development. The proposal would therefore be compliant with Policy 28 of the District Local Plan and the aims of the National Planning Policy Framework.

Highways and Parking:

4.3.10 The proposal would result in the creation of two additional car parking spaces following the removal of the existing vegetation and the opening up of the front of the site. No car parking issues would arise as a result of the proposed development.

4.4 **Conclusion**

4.4.1 The proposed development is considered acceptable and are considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 9 May 2018	