ITEM NO:		
2	Location:	**16 Traherne Close Hitchin Hertfordshire SG4 9DS**
	Applicant:	**Mr Marcus Andrews**
	Proposal:	**Conversion of existing 1-bed annex into self-contained dwelling**
	Ref.No:	18/01249/FP
	Officer:	**Heather Lai**

Date of expiry of statutory period : 11.07.2018

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

Location Plan 463817/21B 463817/20C

1.0 Policies

ITEM NO:		
2	Location:	**16 Traherne Close, Hitchin, Hertfordshire, SG4 9DS**
	Applicant:	**Mr Marcus Andrews**
	Proposal:	**Conversion of existing 1-bed annex into self-contained dwelling as amended by plans received on 29 June and 02 June 2018.**
	Ref. No:	**18/01249/FP**
	Officer:	**Heather Lai**

Date of expiry of statutory period: 11/07/2018

Submitted Plan Nos:

Location Plan, 463817/21B, 463817/20C.

Reason for referral to Committee:

Cllr Clark requested the application be called in due to the wider public interest.

1. Site History

1.1 16/02728/1PUD: Hip to gable roof extension together with insertion of rear dormer window and rooflights in front roofslope to facilitate conversion of loft to habitable accommodation. Certificate granted 10/11/2016.

1.2 17/00025/1: Single storey 2-bedroom dwelling adjoining No. 16 to form end terrace together with parking and amenity space. Withdrawn.

1.3 17/01124/1: Single storey one-bedroom dwelling adjoining No. 16 to form end terrace together with parking and amenity space. Withdrawn.

1.4 17/01431/1HH: Single storey side extension to form 1 bedroom annex following demolition of existing garage (as amended by drawings received 06/07/2017). Approved on 24/07/2017

1.5 17/04330/FPH: Insertion of front dormer window. Approved on 22/01/2018

1.6 18/00069/1BOC: A planning enforcement investigation was opened after the Council received a complaint about a breach of conditions of the planning permission dated 24 July 2017 (17/01431/1HH). Specifically no door between the two units, and a fence has been erected to the rear garden.

2. Relevant Planning Policy

2.1 **North Hertfordshire District Council Local Plan No. 2 with alterations**

Policy 8 – Development in Towns

Policy 28 – Housing Extensions

Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Section 7 – Requiring good design

2.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**

SP1 – Sustainable development in North Hertfordshire

HS3 – Housing Mix

D1 - Sustainable Design;

D2 – House extensions and replacement dwellings;

D3 – Protecting living conditions;

T2 – Parking

2.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

3. <u>Representations</u>

3.1 **Site Notice:**

Start date: 5 June 2018 Expiry date: 26 June 2018

3.2 **Cllr Clark (Ward Councillor):**

Requested the application be called in due to the wider public interest.

3.3 **Neighbour notifications:**

Occupants of 1, 2, 3 and 15 Traherne Close were formally consulted by letter; a total of 7 objections were received from neighbouring residents:

3.3.1 Position of bin stores in the front garden creates a health and safety hazard

3.3.2 Pressure on parking spaces within the Close. 2 spaces required for dwellings of 2+ bedrooms, therefore require 4, application says 3 but shows 2. No space for 2 cars in front of no.16 once the bin unit is built; only shows space outside the annex dwelling

3.3.3 Alterations not in keeping with the scale and design of the Close, including no garage, bins in front garden

3.3.4 Overdevelopment of site: objected to original application on this basis but view on this issue is stronger now

3.3.5 Incremental development has been harmful and 'simple' spilt into two dwellings will further exacerbate this. Granting permission may result in developer undertaking further unauthorised works on the site as they have consistently pushed the limits of what they have approval for

3.3.6 Has not been built according to permission and what has been built is not accurately shown on the plans-first floor works to annex are not shown including rear rooflight, the doorway between annex and main house which was approved is not there, it is shown on existing plan. Therefore much larger than what was approved.

3.3.7 No provision for secure cycle parking-was a condition of the previous approval but now cannot provide this as no space to front, rear garden is fully enclosed

3.3.8 Rear gardens have been divided in contradiction to previous permission

3.3.9 Fire safety impacts – no. 16 will now be a terrace property with no direct access to the rear of the property. Site adjoins BP Garage to the rear

3.3.10 Would breach the 1957 covenant of the Close

3.3.11 No. 15 will become an end of terrace dwelling, this will devalue the property

3.3.12 Utilities have already been provided to the site, this seems to assume that they would be split

3.3.13 Consider there are errors on the application form, namely whether development has begun, size and number of existing/proposed units on site, impact of development on highways, and hedges and trees on site, and number of parking spaces

3.4 **Statutory Consultations:**

3.4.1 **HCC Highways:** No objection, however sought further details regarding the widened vehicle crossover, including tracking/sweep paths for the three spaces. Requested arrangements made for surface water drainage, and also details of boundary treatments to the front boundary and between the two driveways.

4. Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site comprises of No.16 Traherne Close, which was originally a single storey, semi-detached end of street property located on the east side of the close, which sides onto Stevenage Road. Planning permission has previously been granted (see history section above) for works to the property forming a single storey side extension to create an annex to the dwelling; a hip to gable roof extension and rear dormer; and a front dormer roof extension.

4.1.2 The property is set back from the road with a small front garden and a driveway. The site benefits from a relatively large rear garden which extends to the rear and to the side of the house and which is enclosed by a tall, dense conifer hedge screening it from Stevenage Road to the south.

4.2 Proposal

4.2.1 Planning permission has previously been granted for the erection of a single storey side annex extension to the dwelling. The current application seeks planning permission for the separation of the existing host dwelling, and the annex into two separate, self contained dwellings. The annex extension would be formed of a one bedroom dwelling include a lounge, kitchen, bedroom with en-suite, and a WC, as per the originally approved floor plan, and a storage area at first floor level accessed by internal stairs. These first floor alterations, including a rear rooflight were not proposed as part of the approved scheme, and were not originally shown on the submitted drawings. However a site visit confirmed that the creation of the useable space at first floor level has been undertaken and therefore amended drawings have been provided to show the situation.

4.2.2 The proposed dwelling, no. 16a would have a private rear garden and a bin store would be provided to the side. One car parking space would be provided to the front of the dwelling, and a dwarf wall would provide separate access to the two driveways to the front.

4.3 Key Issues

Land use principle

4.3.1 Planning permission has previously been granted for the erection of a single storey side annex extension to the dwelling which was to be internally accessed through a connecting door. As such, the principle of the extension in design terms and the scale of development on the site have already been agreed and do not need to be further considered as part of this application.

4.3.2 The proposal seeks permission for the removal of the internal door connecting the annex and host building, which would result in the creation of a separate, self contained dwelling.

4.3.3 Policy 26 of the saved Local Plan, and Policy SP8 of the emerging Local Plan consider housing needs in the District, and Policy 8 of the saved Local Plan states that within towns (including Hitchin) ‘the Council will normally permit proposals to meet the majority of the development needs of the District if the aims of other relevant policies are met.’ Policy SP2 of the emerging Local Plan states that the majority of new development should be in towns, and this is consistent with Policy SP1 of the

emerging Local Plan and the NPPF which have a presumption in favour of sustainable development.

4.3.4 It is considered the proposal to create an additional self contained unit of accommodation on site is acceptable in land use terms. The application site benefits from a larger plot than neighbouring dwellings on the Close, and therefore the annex extension was permitted as it did not result in an undue loss of amenity space or overdevelopment on the site. The host dwelling, no. 16 and the annex dwelling, no. 16a are considered to be of an acceptable size which will provide a good standard of accommodation for future occupants; the internal size, layout and provision of fenestration and ventilation is acceptable, and also accords with national guidance on space standards. In addition significant private amenity space is to be provided to the rear in the case of no. 16, and to the side and rear in the case of the proposed 16a.

4.3.5 The scale of development is considered acceptable on the site, it allows the host building to be read as a single storey terraced dwelling with roof level extensions, and the annex building as being a side extension to the existing development. As such, I consider that the creation of a separate self contained one-bedroom dwellinghouse at this site is acceptable in land use terms and does not result in overdevelopment.

4.3.6 While I note that the internal door to connect the host building and the annex has not been constructed, for the purposes of the current application, while it is being considered this is immaterial. If permission were to be refused, the applicant would be advised to accord with the permission granted, and if this was not complied with enforcement action would be undertaken.

Design

4.3.7 As stated above, the principle of the detailed design of the extension has already been accepted as planning permission has been granted for the works to create the annex. The only external material changes which can be considered as part of the current application are the installation of a rooflight to the rear roofslope of the new dwelling, and the erection of a timber fence to separate the rear gardens of the two units. To the front, a dwarf brick wall will be erected between the two dwellings.

4.3.8 Both the rear fence, which is approximately 1.5m at its highest point, and the 0.6m proposed front dwarf wall could be erected under permitted development, once permission is granted for the separation of the two units. The installation of a modestly sized rooflight to the rear slope of a modern extension which is visible only in limited private views is considered acceptable in design terms, and relates well to the rear roof extensions to the host building at no. 16.

4.3.9 While the objections regarding the works not being in keeping with the scale and design of the Close are noted, these were covered off in the previous officers report, which concludes that the proposed extension, including the loss of the garage are acceptable and would not result in any significant harm to the character and appearance of the property or the wider street-scene, which is not protected by designations or within a Conservation Area. I have no reason to disagree with this analysis.

4.3.10 The proposed location of the bin store to the front of no. 16 is considered acceptable in design terms, given that it would set back from the street next to the front elevation. While objections on the grounds that no-one else in the street keeps their bins to the front of their property are noted, this is not a material planning consideration. There is no designation that would require the bins to be stored to the back of the dwelling or provide a bin enclosure to the rear, and as the bins issued by the District Council are moveable, these could reasonably be left to the front of any property. As such it is considered this is not a valid reason to not support the application, or require the bins to be stored to the rear.

Amenity

4.3.11 The acceptability of the extension was considered under the previously approved planning application which confirmed that the erection of the annex extension would not result in a material worsening of the amenity value of surrounding residential occupants. As stated above, the only external alterations which are under consideration as part of this application are the installation of a rear roof light into the annex extension, the erection of a rear boundary treatment between the two units, and a dwarf wall to the front. I consider that given the positioning, size and relationship to surrounding residential properties there would be no material loss of privacy as a result of the rear rooflight.

4.3.12 Regarding the front and rear boundary treatments, they are proposed to be of typical heights one would expect from side boundary walls, the one to the rear (which has been erected) is approximately 1.5m in height where it adjoins the rear of the dwelling, and towards the rear of the garden reduces in height to approximately 1m. I consider this rear fence will provide privacy to the occupants of both units, will not result in a sense of enclosure and will not result in a loss of light, owing to the south facing direction of the rear elevation, the height of the fence and the materiality.

4.3.13 I consider the front dwarf wall, which is to be 0.6m in height will not result in a loss of light to the two units. As such, the proposed external alterations sought as part of this permission are acceptable in amenity terms and accord with Policy 28 of the saved Local Plan, and D3 of the emerging Local Plan, which states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

Parking

4.3.14 There are two existing spaces vehicle parking spaces at the existing site, it is proposed to create an additional parking space for the proposed unit, 16a in line with adopted car parking standards which require one space per residential unit, and for units of 2 bedrooms or more, an additional one parking space must be provided. The proposed reconfiguration to the front garden area to provide the additional parking space would require the vehicle crossover (drop kerb) to be widened. Details of the proposed width of the crossover, and turning angles have been provided at the request of the Highway Authority. The Highway Authority considers the location and vehicular to vehicular visibility from the widened access is acceptable when taking into consideration the speed of traffic and nature of the cul-de-sac road. They have advised that the total vehicle crossover for both dwellings would need to be no greater than 7.2m to be in accordance with *Roads in Hertfordshire: Highway Design Guide*, however this is a matter for the applicant to agree with the Highway Authority, and they have recommended an appropriate informative regarding this.

4.3.15 The Highways Authority also requested details of boundary treatment between the two driveways, and to the front of the property. The applicant has confirmed a brick dwarf wall of 0.6m high which accords with the advice of the Authority. No details of a front boundary treatment have been provided, and cannot be sought for the purposes of the application, however it is worth noting there is an existing dwarf wall in front of the host building (no. 16).

4.3.16 A condition has been recommended by the Highway Authority regarding surface water drainage to prevent it draining onto the public highway

4.3.17 The objection regarding secure cycle storage is noted; however given the two dwellings will have sufficient internal space, and amenity space to the rear there is enough space for occupants to safely store bicycles.

Other

4.3.18 Several of the objections received mentioned non-planning issues, however for the sake of completeness these are covered off below:

4.3.19 References made regarding the value of the No.15 and to covenants on the property are not material planning considerations and so cannot be taken into account;

4.3.20 The concern regarding the positioning of bin stores in the front garden creating a health and safety hazard is an environmental health consideration and cannot be upheld as a reason to withhold planning permission in my view;

4.3.21 No objection has been received from the Council's EH Officer, however it is worth noting that they did not object to the positioning of the bin store to the front under a previous application at the property.

4.3.22 The objections regarding the type of development, the incremental nature of the development and that there have been unauthorised works undertaken (not built according to permission) are noted. However, Members can only consider the current application as presented, and whether the proposed development accords with Development Plan policies and other material considerations.. While the existing situation on site does not reflect what has previously been approved, the current application seeks to regularise this, namely the formal separation of the annex building to create a self contained unit, with ancillary storage space at loft level, and a rear roof light. As such I consider that objections to the incremental development cannot be upheld as a reason to refuse planning permission.

4.3.23 The objection regarding the rear gardens having already been divided is noted although the subdivision of the garden is not of itself development that requires planning permission. Moreover, as part of the wider scheme there is in my view no planning objection to this, and indeed if they were not proposed a condition would be recommended requiring details of appropriate boundary treatment to provide privacy for occupants.

4.3.24 Fire safety concerns are a building control consideration and cannot be further considered under the current planning application. It is worth noting however that terrace properties, without direct access to the rear are not an uncommon housing typology.

4.3.25 The comment regarding the provision of utilities to the site is noted, however this is not a relevant planning consideration to the current proposal and cannot be considered in the determining of this application.

4.3.26 The objections regarding errors on the application form are noted, and while some of these are a result of the objectors misunderstanding of the purpose of the question, there are several anomalies regarding the information the applicant has provided. This includes the impact of the development on the highways, as the widening of the crossover at the application site is required to provide the additional parking. However this is primarily a highways issue and has been reviewed by the Highway Authority who are satisfied with the level of detail provided and have recommended conditions to ensure an acceptable level of parking is provided, and the impact on the highways is mitigated.

Conclusion

4.3.27 The proposal is considered an appropriate form of development which would be in keeping with the character and appearance of the existing property, its site and the surrounding area, which would respect and sufficiently retain the living conditions of neighbouring properties and which would be acceptable in terms of highway safety. In my view the proposal is therefore compliant with the relevant Local Plan and NPPF policies, in particular saved polies 28 and 57 of the North Hertfordshire Local Plan 1996 No.2 and relevant policies of the emerging Local Plan.

4.3.28 Any harm identified would not in my view significantly and demonstrably out weight the benefits of delivering a new home in this instance in the current absence of a five year supply of deliverable housing sites (paragraph 14 and 49 of the NPPF).

5. Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6. Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions subject to no objections from Hertfordshire County Council (Highways):

1. The proposed development, by reason of the intensification of use, restricted plot size and lack of landscaping, results in an overdevelopment of the site to the detriment of the visual and residential amenities of the locality. As such, the development fails to achieve an adequately high standard of environment contrary to Policy 57 of the North Hertfordshire District Local Plan and Section 7 of the National Planning Policy Framework.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.