

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01410/FPH	Detached double garage (as amended by plans received 12th August 2024).	Highgate Mill Lane Weston Hitchin Hertfordshire SG4 7AJ

Submitted Plan Nos

2062-P010-B- 2062-P001

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
SECN12	Achieving well-designed places

2.0 **Planning History**

- 2.1 **23/01324/S73A** - Variation of conditions 2 and 3 of planning permission 21/00029/FPH granted on 15/04/2021 - installation of restrictor stays. Amendment to materials, built form and appearance.

Conditional Permission

- 2.2 **22/02273/S73** - Variation of condition 3 of planning permission 21/00029/FPH granted on 15/04/2021 - emergency egress window.

Withdrawn

- 2.3 **21/00029/FPH** - Two storey front and part two storey and part first floor rear extensions to create two storey dwelling, following demolition of existing front conservatory.

Conditional Permission

- 2.4 Other site history, not wholly relevant this this proposal.

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – Comments received from Lenvar, Dovas Close and Heathland, objecting to the proposal for the following reasons (summary):

- Current plans for a two-storey garage on an elevated position are too high and will not be in-keeping with the character of Mill Lane.
- The garage would be very prominent.

- No objection to a smaller garage being built to be more in-keeping with the area.
- The garage should be shallower, incorporate a hipped roof, and located away from the boundary.
- The building is close to a mature Copper Beech Tree next door, the roots could be damaged by construction.
- The proposed staircase would allow direct views into the neighbouring property, impacting amenity.

3.2 **Weston Parish Council** – Objected to the initial plans for a two-storey garage for several reasons including scale/prominence, external staircase, and neighbouring trees.

Following receipt of amended plans for a single-storey garage, no objections raised but concerns regarding a neighbouring Copper Beech Tree.

3.3 **North Herts Ecologist** – No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a detached chalet bungalow located on the north side of Mill Lane, Weston. The dwelling is set back from the highway on an elevated position, benefiting from a sizable front garden and considerable landscaping on the frontage and side boundaries including gates, hedging and trees.

4.2 **Proposal**

4.2.1 Planning permission is sought for a detached double garage (as amended by plans received 12th August 2024).

4.3 **Key Issues**

4.3.1 The key considerations are design, the impact on the amenities of neighbouring properties.

Design

4.3.2 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy D2 of the Local Plan states that planning permission for house extensions and outbuildings will be granted if the proposal is sympathetic to the existing house in height, form, proportions, roof type, window details, materials; the orientation of the main dwelling and if it does not dominate adjoining properties. These considerations are echoed in Section 12 of the NPPF.

4.3.3 Whilst the proposal initially sought a two-storey double garage with storage space in the roof and an external staircase, Officers considered that this would not be appropriate in this context in line with the concerns raised by neighbours and the Parish Council. Therefore, the applicant was invited to submit amended plans for a smaller single-storey garage, which is the basis of this report. The garage would have a hipped dual-pitched

roof and be sited in the front garden of the property, measuring approx. 4.6m to ridge, 5.65m deep and 6.85m wide. The garage would be finished in red multi brickwork, red plain tiles and a white metal garage door.

- 4.3.4 Following the submission of amended plans, the design of the proposed double garage is considered acceptable in planning terms. There are examples of detached garages in front of dwellings on Mill Lane, such as Tower Cottage, The Towers and Dovas Close. The amended design of the garage, which is now single storey with a dual pitched hipped roof, will align with the general form and character of these neighbouring garages. Whilst the garage will be visible over the front boundary hedge, it will be hipped which softens its bulk in the street scene and has been proposed with suitable external materials.
- 4.3.5 The proposal is therefore deemed acceptable in design terms and in accordance with Policies D1 and D2 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours

- 4.3.6 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.7 Following the submission of amended plans, which omitted the external staircase from the scheme and reduced its size from two storey to single storey, it is considered that whilst the garage will be visible over the shared boundaries of both neighbours, it is unlikely to result in any materially adverse harm to the reasonable living conditions and well-being of these properties immediate neighbours, with respect to overdominance, loss of daylight/sunlight, and loss of privacy.
- 4.3.8 As such, the development will not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan.

Biodiversity Net Gain

- 4.3.9 This is a form of development which is exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 due to it falling under the scope of the 'de minimis' exemption.
- 4.3.10 The Parish Council and the immediate neighbour have raised concerns over the possible impact of the development on the existing mature Copper Beech Tree which sits close to the shared boundary in Heathland. The applicant was invited to consider relocating the garage further into the site to increase the distance from this tree, but due to practical reasons this is not feasible. In any case, the applicant is aware of the tree and its amenity value and has expressed a willingness to consider measures to reduce the impact of the development on the trees root protection zone, including meeting with the structural engineer to limit foundations within the RPZ and the possibility of a single pad foundation to that corner and lintels / steel beams onto the pad foundation to limit the amount of excavation and concrete within that corner. Whilst this cannot be controlled through the planning system, it is encouraged to ensure that this mature specimen is maintained and not impacted by the development as it is not protected by any other statutory protection.

4.4 **Conclusion**

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with the relevant policy provisions within the local plan framework.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

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.

3. The development hereby permitted shall only be finished in the materials as stated on the approved plans and thereafter shall be retained as such, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development is in-keeping with the host property and to protect the visual amenities of the locality and to comply with Policies D1 and D2 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

The applicant's attention is drawn to the Copper Beech Tree in the neighbouring garden Heathland, which is a sizable, mature specimen. It is therefore advised that when carrying out the construction works to the foundations for the southern corner of the garage hereby permitted, that these foundations are hand dug and heavy machinery is not used for digging out, to ensure that the root protection area of this tree is not adversely impacted by the development, as it is likely to span into the application site.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 24 September 2024	