

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02036/FP	Change of use existing triple garage and flat above to one self-contained 2-bed dwelling including single storey side extension and alterations to fenestration.	Garage Flat Chimneys Mill Lane Gosmore Hertfordshire SG4 7RL

Submitted Plan Nos

Location Plan LA 01 LA 02 LA 03 LA 04

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
D4	Air quality
NE2	Landscape
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN9	Promoting sustainable transport
SP6	Sustainable transport
T2	Parking
T1	Assessment of transport matters
SP9	Design and Sustainability

2.0 **Relevant site history**

- 2.1 88/01077/1 - Erection of single storey side extension to dwelling and two storey extension to garage with formation of games room on first floor level, installation of dormer windows and provision of additional parking spaces – Approved 30/08/88.
- 2.2 86/01281/1 - Erection of two and single storey extensions with detached double garage – Approved 26/09/86.

3.0 **Representations**

3.1 **Neighbours** – Two comments in support were received on the following grounds:

- ☐ No objection.
- ☐ My house is close and shares an entrance, and I support the development.

3.2 **Parish Council** - No objection.

3.3 **Environmental Health** – No objections.

3.4 **HCC highways officer** – Does not wish to restrict permission.

3.5 **Ecologist** – No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large outbuilding with a pitched roof, used as a triple garage with a flat above, at the front of the curtilage of dwelling Chimneys to the SE and east. Opposite the outbuilding is a new detached dwelling built following planning permission 20/01235/FP, that was on land within the curtilage of Chimneys. Hedges and fencing are on the outside of the site, with the inner parts of the site around the outbuilding being part of hardstanding serving Chimneys and the new dwelling.

4.1.2 The site is on a corner plot on Mill Road and Mill Lane, and is accessed off Mill Lane. The site is in an area of residential character comprised of detached dwellings and terraced and semi-detached bungalows.

4.2 **Proposal**

4.2.1 The change of use of the outbuilding to a detached two bedroom dwelling, a single storey side extension on the NW side, and alterations to openings on the front and rear elevations with a new front elevation canopy roof. The dwelling would be independent from Chimneys, using the existing access onto Mill Lane. Parking and bin storage would be to the front.

4.3 **Key Issues**

4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on residential amenity, future living conditions, highways and parking, and trees and landscaping and ecology.

Principle

4.3.2 The site is within Gosmore, a Category A village under Policy SP2 of the adopted Local Plan, where general development will be allowed. New residential development on the site is therefore acceptable in principle and complies with Policy SP2 of the Local Plan.

Character and appearance

4.3.3 The building already has residential accommodation on its first floor and is near other dwellings within the existing and former curtilage of Chimneys, including a new dwelling opposite (approved under planning permission 20/01235/FP) that is not dissimilar to the outbuilding, and is in a residential area, therefore it is not considered that the

proposed change of use would be detrimental to the character and appearance of the site and locality. The size of the site as shown on the Location Plan would be comparable to the new dwelling opposite, and is acceptable.

- 4.3.4 The proposed altered openings and front entrance canopy would give the building a more domestic appearance, however these are considered in keeping with the character and appearance of the building and locality.
- 4.3.5 The side extension would be a small addition to the building and is considered to be of an acceptable design and size. The side extension would bring the building closer to the highway Mill Lane, however it is considered that its impacts would be limited and not harmful due to the small size and height of this extension and as it would be obscured by a boundary fence and hedge.
- 4.3.6 It's considered that Class A, B and E permitted development rights be removed by condition due to the small size of the site, and proximity to public highways and nearby dwellings. The design is acceptable and complies with Policy D1 of the Local Plan and Section 12 of the NPPF.

Neighbour amenity

- 4.3.7 Due to the location of the site, the dwellings that could be most affected by the proposal are Chimneys to the SE, and Chimneys Cottage opposite. Dwellings Hafod and 24 - 26 Mill Lane also have the potential to be affected.
- 4.3.8 Starting with No. 24 - 26 Mill Lane, this is behind the site to the SW on the other side of Mill Road. The side extension will be obscured by a hedge and will be sufficiently far to not affect that dwelling. The alterations to rear openings will be on the ground floor and will not affect No. 24-26. The two existing rear rooflights appear obscure glazed and are in any case considered sufficiently far away to not harm the privacy and amenity of No. 24-26. The amenity of No. 24-26 will not therefore be harmed.
- 4.3.9 Dwelling Hafod is also opposite the site, in this case to the NW opposite Mill Lane. The alterations to the front and rear of the building will be small and will not affect Hafod. The side extension will be separated from Hafod by Mill Lane and a fence and vegetation, and will not cause harm. The building has two first floor windows facing Hafod, however these are obscure glazed and are not proposed to be changed, which will not harm amenity. Impacts on Hafod are considered acceptable.
- 4.3.10 Turning to dwelling Chimneys to the SE, the proposed extension and alterations are on elevations of the building that don't face Chimneys, therefore they won't affect that dwelling. An existing first floor side window that faces Chimneys serves stairs, which would remain the case following the conversion, and is not considered harmful.
- 4.3.11 The Proposed Block Plan shows a smaller plot for the dwelling than that shown on the Location Plan, with the Block Plan plot being considered to be the more likely curtilage for the new dwelling due to its larger scale used and greater site details shown.
- 4.3.12 The Block Plan does not show whether there would be any boundary treatment such as new fencing on the inside boundaries of the site, with a Planning, Design and Access Statement (PDAS) in 3.6 inferring landscaping details will be left to the applicant. It is however considered that the proposed plot on the Block Plan would be sufficiently far from Chimneys to not result in harm, including if fencing was erected – the applicant could however erect a 2m high fence/wall on the inside boundary under

permitted development to serve the existing flat which would result in similar impacts should a fence/wall be put up on the proposed plot boundary.

- 4.3.13 The Existing and Proposed Block Plans show two parking spaces in front Chimneys near the site boundary with Mill Road. The most straightforward way to access these is presently to drive between the outbuilding and a planted 'island'. If permission was to be granted, a new occupant may erect fencing or some other means of enclosure or other features that could restrict or prevent vehicular access to those parking spaces. The wider site is however large, and occupants of Chimneys would be able to park near the other side of Chimneys via an unobstructed route north of the planted island, with sufficient manoeuvring space remaining. Impacts on the amenity of Chimneys are considered acceptable.
- 4.3.14 Chimneys Cottage (CC) opposite the site to the NE is the other closest dwelling. The side extension, altered rear opening, new front canopy, and altered ground front openings are not considered harmful to CC due to their small size, by being on the ground floor, and distance from CC.
- 4.3.15 The proposed plot for the new dwelling as shown on the Proposed Block Plan includes the access and is close to the front of CC. It is not however considered likely that CC would be obstructed as this is where the applicant lives who owns the site, and in the PDAS in 1.7 it's stated that the proposed dwelling would be let which is considered would result in the site remaining in control of the applicant and not adversely affecting CC.
- 4.3.16 The front elevation of the building is approx. 12.5m and 14m from the front elevation of CC. The first floor front windows of the proposed conversion would each serve bedrooms, while presently they serve a lounge/diner and a kitchen. The Council does not have any policies or other guidance setting out minimum distances between windows, although the distance between them is shorter than most dwellings that face each other.
- 4.3.17 The area between the proposed dwelling and CC is a communal driveway and turning area, not unlike a private courtyard or drive serving multiple dwellings. In this respect, the distance between the dwellings is considered acceptable, as private areas of amenity would not be overlooked by the new dwelling. Impacts on amenity are acceptable, and comply with Policy D3 of the Local Plan.

Future living conditions

- 4.3.18 The proposed dwelling would be considered to receive acceptable outlook, light and privacy. The size and quality of internal accommodation is considered acceptable.
- 4.3.19 The new dwelling does not include a private garden area within a means of enclosure such as a new fence. The Proposed Block Plan shows the dwelling would have access to land at the side and to its rear. The area to the rear would measure approx. 11m by 2m. The area to the side would measure approx. 9m in width, and 5m to 8.3m in depth.
- 4.3.20 The Council does not have policies requiring minimum garden sizes for new dwellings, however as the new dwelling would be small with two bedrooms, it's less likely that a family with children would live in it, and therefore a smaller amount of amenity space would be likely to be required.

- 4.3.21 The amount of amenity space is therefore considered acceptable due to the small size of the dwelling as above. The amenity space areas are mainly of hardstanding with no additional fencing proposed. This is very similar to the recent new dwelling Chimneys Cottage opposite the site approved under 20/01235/FP, and is considered acceptable. The amenity space would be afforded some privacy by vegetation and the host building. Future living conditions are therefore acceptable. The proposal complies with Policy D1 of the Local Plan.

Parking and highways

- 4.3.22 The proposed dwelling would have two parking spaces, which complies with minimum standards and is acceptable. Cycles could be stored internally. Bin storage and access to the public highway are considered acceptable, with no objections from the highways officer. The proposal complies with Policies T1 and T2 of the Local Plan.

Landscape and trees and ecology

- 4.3.23 There are no trees that will be affected by the proposed conversion and extensions. The site is already landscaped and managed with planting which will largely remain as existing following the works, therefore landscaping is acceptable. A condition will be imposed requiring details of new planting and potential fencing. The proposal is not subject to biodiversity net gain requirements as it would be de minimis under the BNG guidance (being development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows). The proposal complies with Policies NE2 and NE4 of the Local Plan.

4.4 **Planning Balance and Conclusion**

- 4.4.1 Under the provisions of the recently revised NPPF the Council cannot demonstrate a 5-year supply of deliverable housing land. Therefore, the tilted balance as set out in paragraph 11 (d) of the NPPF applies.
- 4.4.2 In the absence of adverse impact that significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF, it is recommended that planning permission be **GRANTED**.

6.0 **Recommendation**

- 6.1 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. Materials to be used on all external elevations and the roof of the development hereby permitted shall be similar to those of the existing building, unless otherwise approved in writing with the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area. To comply with Policy D1 of the Local Plan.

5. Prior to occupation, the proposed new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

6. Prior to occupation of the approved dwelling, landscaping details shall be submitted to the LPA for approval and shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are

removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 22 January 2025	