DELEGATED FILE NOTE

CASE OFFICER: ...Heather Lai.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01317/FPH	Erection of pre-fabricated annexe for ancillary residential use associated with main dwelling.	8 Gun Meadow Avenue Knebworth Hertfordshire SG3 6BS

Submitted Plan Nos

1714.3 1714.5 1714.1 1714.2 Planning, Design and Access Statement

1.0 Policies

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1.1 North Hertfordshire District Council Local Plan No. 2 with alterations
Policy 28 – Housing Extensions
Policy 33 – Relatives and Staff Accommodation
Policy 55 – Car Parking Standards

1.2 National Planning Policy Framework

Section 7 – Requiring good design

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

D1 - Sustainable Design;
D2 – House extensions and replacement dwellings;
D3 – Protecting living conditions;
HS6– Relatives and Dependents Accommodation
T2 – Parking

1.4 Supplementary Planning Document
Vehicle Parking at New Development September 2011

2.0 Site History

No recorded site history

3.0 Representations

Local residents:

4 objections received on the following grounds:

- Overdevelopment of site and contravenes a 1925 covenant
- Concerned will be used/occupied as a separate, self contained dwelling
- Increased parking demands as a result of annex building
- Highways impacts of construction/servicing vehicles during/after development
- Private road, residents pay for upkeep. Concerned over unneighbourly parking arrangements, blocking driveways etc
- Existing development to another property on the street which has been ongoing for over a year
- Other residents of Gun Meadow Avenue haven't been notified of the proposal
- Sets a precedent
- Drainage/utilities impacts of additional 'unit'
- Erection of a separate dwelling in the rear garden does not accord with Knebworth Parish Council Neighbourhood Plan
- Concerned over loss of light to rear garden/vegetable patch in neighbouring garden

4.0 Planning Considerations

4.1 Site and Surroundings

The application site is a mid-20th Century bungalow with an existing outbuilding which is located at the end of a private cul-de-sac. It is unlisted and located outside a conservation area.

4.2 Proposal

The application seeks permission for the demolition of the existing 4m x 6m timber framed outbuilding in the rear garden, and the erection of a 6m x 8m 'granny flat' to be used ancillary to the main dwelling. This is to be finished in weatherboard, with terracotta pantiles to the roof, and uPVC windows and doors and will therefore be of a similar appearance to the existing. It will be positioned in a similar location within the garden, albeit with a slightly larger footprint and the main door will face south rather than east.

4.3 Key Issues

- Principle of erection of annex in land use terms
- The acceptability of the design of the proposed extension and its resultant impact on the character and appearance of the area
- The impact the proposed development would have on the living conditions of neighbouring properties
- The impact that the proposed development would have on car parking in the area

Land use:

The application documents confirm that the proposed annex building, which is to have a bedroom, bathroom, kitchen and living area will be ancillary to the host dwelling and will be for use by an elderly relative. Policy 33 of the Saved Local Plan, and HS6 of the Emerging Local Plan consider the erection of annex extensions/outbuildings in the curtilage of existing dwellings for the use of dependent relatives.

Policy HS6 states that free standing annexes will only be allowed in exceptional cases if it can be demonstrated that adaptation or extension of the principal dwelling is not possible. While a half width rear extension would be possible on this site, it is considered that given the existing situation with the outbuilding; and altering/extending the proposed annex in the future in order to incorporate it into the main house would be possible, in order to fulfil requirement (b) of policy HS6.

On these grounds, it is considered that the proposed erection of an outbuilding annex is acceptable in land use terms, subject to the use of the annex being secured by condition to be restricted to family members, and not to form a separate self-contained dwelling.

While the objections on the grounds of precedent are noted, as stated above it is considered the proposal is policy compliant in land use terms, and as each application is assessed on its own merits, refusing the application on these grounds is not sustained.

Design:

Policy 28 suggests that house extensions are generally acceptable providing they are "...sympathetic to the existing house in height, form, proportions, window details and materials..." and "...pitched roofs are used where appropriate..."

The proposed annex building will be very similar in appearance to the existing outbuilding on site, formed of timber with a terracotta pantile roof and uPVC windows.

The host building is a mid-20th Century bungalow with uPVC windows. It is considered the removal of the existing outbuilding, and erection of a pre-fabricated annex of a similar design is acceptable in this rear garden location. In terms of scale and materials it is considered it will relate well to the host building, and will be visible only from limited private views.

The rear garden (measuring approximately 14m across, and 8m in depth at the narrowest point) will be retained, and therefore no objection is raised to the loss of this private amenity space. It is considered the proposal is acceptable in design terms, and accords with policies D1 and D2 of the Emerging Local Plan.

Amenity:

The application is to be erected in the rear garden, in the north west corner. There are existing high boundary walls to the side and rear elevations and therefore, as with the existing structure only the pitched roof would be visible above these walls. The annex building would be located away from the principal dwellings of the adjoining sites, at no. 7 Gun Meadow Avenue, and 'The Elms', Gun Road which is located to the rear.

Owing to the relationship of the proposed annex to existing surrounding dwellings, it is considered there would not be a material loss of light, sense of enclosure or loss of privacy. It is therefore acceptable in amenity terms.

The objection stating the erection of the annex would lead to the loss of light to the garden/vege patch at no. 7 Gun Meadow Avenue are noted, however gardens are not afforded the same level of protection from amenity impacts as dwellings; and given the existing situation which already has a 6m long annex building, the proposed situation is not likely to be materially worse, as the proposed annex is to be positioned east to west, rather than north to south as the current one is. Furthermore, the proposed annex would be directly to the east of the garden at no. 7 and therefore would not result in a loss of light.

Parking:

The proposed development would not trigger the requirement for additional car parking to be provided within the application site. The annex building is to be used ancillary to the existing dwelling, would be for single occupancy in association with the main house and as there is existing space on site for two vehicles to park this is considered to comply with Policy 55 of the Saved Local Plan, the Vehicle Parking SPD, and T2 of the emerging Local Plan.

Concerns were expressed by objectors over whether the proposal would result in unneighbourly parking arrangements including blocking driveways. As stated above, the proposal accords with the Council's residential parking policies and therefore cannot be further controlled by condition. This private road has no on-street parking and while unneighbourly parking arrangements are discouraged in principle, this cannot be upheld as a reason to refuse the application.

Other:

Two objectors questioned the ability of the utilities and specifically drainage facilities to cope with the annex. This is a utilities matter, not a planning matter, and therefore cannot be further considered as part of a planning application.

Two objectors stated that the proposal represented overdevelopment, and that it contravenes a 1925 covenant on the property. This is noted, however for the reasons stated above in the land use section it is considered the proposal does not constitute overdevelopment. Covenants are a private matter, and therefore are not a relevant planning consideration.

Concerns were raised by objectors over the impacts of construction/servicing vehicles on the highways network during the construction. Gun Meadow Avenue is a private road, and residents pay for upkeep and maintenance. This is noted, however these concerns are a highways matter, not a planning one, and given it relates to a private road this is a civil matter. The fact that there is an existing development being undertaken to another property on the road cannot be upheld as a reason to refuse a planning application.

One objection stated that other residents of Gun Meadow Avenue hadn't been notified of the proposal. In line with consultation requirements, adjoining dwellings to the application site who

are considered to be directly affected by the development were notified. It is considered the level of neighbour consultation undertaken for this rear garden annex was proportionate.

One objector stated that the proposal, for a separate dwelling does not accord with Knebworth Parish Council Neighbourhood Plan. This is noted, however there is no extant Neighbourhood Plan, the proposal for this is in the initial stages and therefore consideration cannot be given to this. In addition, the proposal is for an annex ancillary to the host building, not a separate dwelling on site and therefore accords with extant planning policy.

4.4 Conclusion

In the absence of material planning reasons to the contrary it is my view that planning permission should be **GRANTED.**

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 residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as 8 Gunmeadow Avenue, Knebworth, SG3 6BS.

   Reason: To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties.

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 (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: 27 June 2018	