ITEM NO:

Location:	**44 New Close Knebworth Hertfordshire SG3 6NU**
Applicant:	**Fiona Pruden**
Proposal:	**Erection of art studio in rear garden. Erection of wall around side garden with decorative screen and landscaping to create courtyard (as amended by drawings received 12/03/2018).**
Ref. No:	18/00322/FPH
Officer:	**Tom Donovan**

Date of expiry of statutory period: 26.03.2018

Submitted Plan Nos

17101/OS 17101/01-1 17101/01-2 17101/01-3 17101/02-1D 17101/02-2D 17101/02-3E 17101/02-4D 17101/02-5D

Date of expiry of statutory period:

27 April 2018.

Reason for Referral to Committee:

Councillor Hemingway called the application in to support the view of Knebworth Parish Council.

1.0 **Relevant Planning Policy**

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

Policy 5 – Excluded Villages
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, replacement dwellings and outbuildings;
D3 – Protecting living conditions;
T2 - Parking

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 **Local residents**
No representations received.

3.2 **Knebworth Parish Council**
Knebworth Parish Council have objected to the proposal on the following basis:

"The proposed building is overdevelopment of the site due to its bulk and height. A separate access is proposed via Stevenage Road. The stretch of Stevenage Road, which backs on to New Close, has a bank of trees and shrubs between the footpath and garden. Creation of this access will change the character."

Cllr Hemingway has called-in the application in support of the view of the Parish Council.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 44 New Close is a semi-detached two storey residential property. New Close is a residential cul-de-sac located to the west of Stevenage Road. Properties which face east have rear gardens which back onto Stevenage Road.

4.2 **Proposal**

4.2.1 This development proposal comprises the following elements:

A) Erection of art studio in rear garden. The building is proposed to measure 3.39m in width, 11m in length, 2.5m to eaves height and 4.15m to ridge height. It is proposed to have a pitched roof with gable ends. Facing materials are proposed to match the main house.

B) Erection of wall to form courtyard on part of existing driveway. The wall would have a decorative screen above and would measure 1.8m in height. It would be located to the front of the existing garage and form the courtyard between the boundary and the flank wall of the house.

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 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.

4.3.2 **Proposed art studio**
Design and appearance
Paragraph 64 of the National Planning Policy Framework states that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

Emerging Policy D3 requires proposals for replacement dwellings or outbuildings to: 1) enhance the character and setting of the site; and 2) not have an adverse impact on the character of the street-scene or area.

4.3.3 The proposed building would be single storey and it would be located in the rear garden of the application property. I note that the building would be quite large in terms of its footprint but it would not occupy more than 50% of the rear garden. The proposed building would not be visible from within New Close at all whilst it is unlikely to be visible from Stevenage Road other than some potential glimpse views of the roof. Whilst the relevant policies require proposals to 'improve', where a proposal has little public visibility and therefore impact, I would question to what extent this requirement is able to be met or is even desirable. Moreover, I do not believe that there are opportunities available for the proposed building to improve the character or quality of the area in this case. In my view, there are no justifiable reasons to recommend refusal on design grounds.

4.3.4 Impact on the living conditions of neighbouring properties
Due to the proposed location of the outbuilding, the key issue is the impact that the proposed building would have on the living conditions of the adjacent property to the north, no.42 New Close.

4.3.5 The proposed building would be located close to the flank boundary with no.42 however the main property itself is set several metres away from the boundary fence whilst a detached garage of a fairly substantial height is located close to the boundary with no.44. Although the proposed building would occupy a fairly substantial stretch of the boundary between no.42 and 44, the angle of no.42 and the position of the house away from the boundary would ensure that the living conditions of this property are not significantly affected.

4.3.6 Conclusion
Whilst I accept that the building is fairly large for a residential outbuilding in this location, I do not find that there is any harm due to the height or size of the building either in terms of the wider character or appearance of the area or impact on neighbours. As such, it is my view that the proposed outbuilding would be compliant with the relevant local and national planning policy regarding design.

4.3.7 **Proposed courtyard and proposed bin store**

Design and appearance

The formation of the proposed courtyard to the side of the property would involve the erection of a continuous section of 1.8m high wall and decorative screen. Whilst perhaps an unusual position for an external courtyard area, I do not consider that the proposed fencing/screen would be harmful from a design perspective. The proposed bin store would be fairly small and inoffensive in my opinion.

4.3.8 Impact on living conditions of neighbouring properties

In my opinion, the formation of a small external courtyard area would not cause any undue harm to the living conditions of any of the neighbouring properties. In any case, the courtyard use would be incidental to the primary residential use and therefore planning permission is not required. The proposed 1.8m high wall/screen and is not excessive and would have little impact on the living conditions of the neighbouring properties to that side. The proposed bin store is also modest and would have little impact.

4.3.9 Car parking

It is noted that the formation of the courtyard would result in the loss of part of the existing car parking area at the front of the property. However, the proposal involves additional hard-standing which is shown on drawing 17101/02-3E and this is adequate for the parking of two cars which is the minimum requirement for a property of this size. It is also important to note that a permeable surfacing material is proposed.

4.3.10 **Formation of pedestrian access at rear**

It is clear from drawing 17101/02-3E that a pedestrian access is proposed to be formed from the rear garden onto the public footpath which runs along the west side of Stevenage Road. However, the formation of a pedestrian access including the alterations required to the existing fencing does not require planning permission.

4.4 **Conclusion**

4.4.1 The proposed development would be compliant with the provisions of the Saved Local Plan, the North Herts Emerging Local Plan 2011-2031 and the provisions of the National Planning Policy Framework. As such, it is my recommendation that planning permission be **GRANTED**.

5.0 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.

6.0 **Recommendation**

6.1 That planning permission is **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. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

   Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.