**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY MR MARCUS ANDREWS**

**SITE AT 16 TRAHERNE CLOSE, HITCHIN, SG4 9DS**

**PINS REF: APP/X1925/W/18/3213533**

**LPA REF: 18/01249/FP**

# STATEMENT OF COUNCIL

**Heather Lai, Senior Planning Officer**
**BA(Hons), MRP, MRTPI (assoc.)**

**ON BEHALF OF THE NORTH HERTFORDSHIRE DISTRICT PLANNING CONTROL COMMITTEE**

**December 2018**

## 1. INTRODUCTION

1.1 This appeal has been submitted by Mr Marcus Andrews against the decision of North Hertfordshire District Council to refuse permission for the following proposal relating to 16 Traherne Close, Hitchin SG4 9DS:
**Conversion of existing 1-bed annex into self-contained dwelling**

1.2 This statement expands upon and represents the Council's case in support of the refusal of permission to grant planning permission no. 18/01249/FP.

## 2. THE APPLICATION

2.1 The application for planning permission was received on 16 May 2018 and following registration, it was given the reference number 18/01249/FP. Following revisions received on 29th June and 2nd July 2018 the application included the following plans and supporting technical documents:

- Location Plan
- 463817/21B
- 463817/20C

2.2 Following a full consultation exercise (copies of all correspondence received already forwarded with the appeal questionnaire) the application was reported to the meeting of the Planning Control Committee held on 19 July 2018 (copy of committee report and minutes are already with the Inspector).

2.3 At the meeting of that Committee Members resolved to refuse permission for the following reasons:

*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.*

2.4 The Inspector's attention is drawn to the reason for refusal, and the case officer's original report, which was a recommendation to approve the application.

2.5 Of note, the current appeal relates only to the conversion of the existing 1-bed annex into self-contained dwelling; permission for the erection of this side extension as an annex had previously been approved. As such the officer's report states that the general design and the scale of development on the site have already been agreed. The planning considerations for the purposes of this appeal are therefore the acceptability of the principle of a self-contained unit, the design amendments from the previously approved scheme (which are the installation of a rooflight to the rear roofslope, and the erection of a timber fence to separate the rear gardens). Following amended

drawings received on 29 June and 02 June 2018 the Highway Authority agreed to support the application, and therefore the highway and parking considerations relating to the application were agreed before the application went to committee.

## 3. APPEAL SITE AND SURROUNDINGS

3.1 A site location plan was submitted with the original application with the appeal site outlined in red is attached as appendix A.

3.2 The appeal 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 below) 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.

3.3 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. RELEVANT PLANNING HISTORY

**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.
**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.
**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
**17/04330/FPH:** Insertion of front dormer window. Approved on 22/01/2018
**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.
**18/00101/1BOC:** A planning enforcement investigation was opened after the Council received a complaint about a breach of conditions relating to the application which is the subject of this appeal (18/01249/FP). The complaint was received the day after committee resolved to refuse the application. No action has been taken regarding this enforcement investigation owing to the applicant advising they were to appeal the decision.

## 5. THE DEVELOPMENT PLAN

5.1 The development plan consists of the North Hertfordshire District Local Plan No. 2 – with Alterations (adopted April 1996).

## 6. OTHER MATERIAL CONSIDERATIONS

6.1 The North Hertfordshire Submission Local Plan (2011-2031)
This plan is at an advanced stage of preparation having received the Inspectors main modifications in November 2018, following the (Examination in Public) EiP and the publication of and current consultation on Main Modifications to the Plan.

6.2 The LPA referred in its refusal notice to Section 7 ('Requiring good design') of the 2012 version of the National Planning Policy Framework which was the extant NPPF document at the time of the determination of the appeal proposals (18th July 2018). The NPPF has been replaced by a revised version of the NPPF published in July 2018.

6.3 The appeal Inspector is requested to assess the appeal against the advice set out in Section 12 ('Achieving well-designed places') of the revised NPPF.

## 7. AMPLIFICATION OF REASONS FOR REFUSAL

7.1 However, as is explained in paragraph 2.3 above Members of the Planning Control Committee determined against officer recommendation that the creation of a separate, self contained unit at the site would lead to an intensified use of that site that would result in an unacceptable environment for existing and proposed occupants. There would be insufficient amenity space, and space for bins, parking and associated residential paraphernalia. In addition, there would be limited landscaping that may mitigate against the visual impact caused by the works and activities resulting from the creation of a separate dwelling.

7.2 The Inspector is respectfully asked to visit the site and assess the application against the Development Plan and also whether the use of the annex as a separate, self contained unit would be so materially different- and harmful-when compared to the extant permission for use as an annex.

7.3 The Inspector is respectfully requested when visiting the appeal site to assess the application against the relevant Development Plan and emerging Development Plan policies and also consider whether the use of the annex as a separate, self contained unit and activities associated with that use would be so materially different- and harmful-when compared to the extant permission for the use of the property as a single family dwelling with attached annex.

7.4 Due to the intensified use of the site Members were not prepared to agree this proposal for the reasons set out above and refused planning permission no. 18/01249/FP in this case.

## 8. CONCLUSIONS

8.1 Overall, Members of the Planning Control Committee following careful consideration of the evidence presented by all participants at the meeting considered that the proposed use of the extension as a

separate, self contained unit would lead to an intensified use of the site that would result in an unacceptable standard of accommodation for current and future occupiers. This would result in an overdevelopment of the site to the detriment of the visual and residential amenities of the locality.

## 9. OBSERVATIONS ON APPELLANT'S GROUNDS OF APPEAL

9.1 No observations at this stage.