ITEM NO:		
6	Location:	**Millstone** **Mill Lane** **St Ippolyts** **Hitchin** **Hertfordshire** **SG4 7NN**
	Applicant:	**Chantry Architects Limited**
	Proposal:	**Erection of two detached 4-bed dwellings following demolition of existing dwelling and double garage.**
	Ref.No:	18/00900/FP
	Officer:	**Anne McDonald**

Date of expiry of statutory period : 23.05.2018

Reason for Delay (if applicable)

Reason for Referral to Committee (if applicable)

Submitted Plan Nos

1.0 Policies

1.0 Policies

1.1 North Hertfordshire District Local Plan No.2 with Alterations 1996

Policy 8 – Development in Towns;
Policy 26 – Housing Proposals;
Policy 55 – Car parking standards;
Policy 57 – Residential Guidelines and Standards.

1.2 National Planning Policy Framework

Paragraphs 7 & 14 – Achieving sustainable development;
Paragraph 17 – Core planning principles;
Section 6 – Delivering a wide choice of high quality homes;
Section 7 – Requiring good design.

1.3 Emerging / Draft (Submission) Local Plan 2011 – 2031

Strategic Policies
Policy SP1 – Sustainable development in North Hertfordshire;
Policy SP2 - Settlement Hierarchy;
Policy SP8 – Housing;
Policy SP9 – Design and sustainability;

Development Management Policies
Policy T2 – Parking;
Policy D1 – Sustainable Design;
Policy D2 – House extensions, replacement dwellings and outbuildings;
Policy D3 – Protecting living conditions

1.4 Supplementary Planning Documents

SPD - Vehicle parking provision as new developments.

2.0 Site History

2.1 Application 17/04031/FP proposed the demolition of the existing house and the construction of two detached 5-bed houses. This application was withdrawn by the applicant based on the Officer advice that the application would be refused due to the houses being too large for the site and the adverse impact the proposal would have on the setting and context of the road and the amenities of the next door neighbour.

3.0 Representations

3.1 NHDC Environmental Protection – no objection subject to a condition regarding the provision of an electric vehicle charging point.

3.2 HCC Hertfordshire Highways – does not wish to restrict the grant of planning permission subject to the imposition of an informative.

3.3 St Ippolyts Parish Council – no response at time of writing.

3.4 The application has been advertised with a site notice and neighbour notification letters. Thirteen replies have been received. All object to the application. Key points raised include:

- the road is a narrow lane with no passing places and the nursing home already generates a lot of traffic. The traffic from the demolition and re-build will cause horrendous traffic issues in the road causing blockages and local problems and will damage the lane;
- the traffic from two houses sharing one driveway opposite the nursing home will cause problems in the long term;
- any over spill parking from the houses cannot be accommodated locally in the lane;
- ambulances are often needed at the old people's home and if they cannot get there due to the road being blocked this will endanger people's lives;
- the proposed houses are not in keeping with other houses locally in terms of design and spacing;
- the properties seem over bearing and over crowded;
- this proposal will set a horrible precedent in the lane for other similar development;
- it will ruin this rural area;
- only a single property should be built that is in keeping with the local character of Mill Lane;
- this proposal will over develop the site in comparison to neighbouring plots;
- I am concerned regarding the narrowness and depth of the proposed houses. These are contrary to local character and will look cramped;
- these houses would look better in a town centre location not this semi-rural area;
- insufficient parking is proposed for each house which will result in the front garden being lost to parking contrary to the character of the lane;
- the garages will be converted into living space providing even less parking for the houses;
- the plans breach the local building lines and will block light to Field House next door;
- the front lounge corner window at Field House will be blocked;
- Field House had a sunny patio which will be shaded by the proposal;
- the first floor side windows for the landing and bedroom 1 need to be obscure glazed and non opening to stop over looking and loss of privacy of Field House;
- the rear dormer windows will overlook our property and cause a loss of privacy to our home. The two properties together will cause this impact to be increased as they both face our home;
- there are restrictive covenants prevent the development of this plot with more than one property;
- there has been no consultation with any of the neighbours;
- whilst there is demand for homes locally these are not starter homes;
- the DAS has errors in it;

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application is the detached property Millstone and its large garden, located on the north side of Mill Lane. It is the last property and garden within the urban area of Hitchin, with the Green Belt boarding the site along its south-west boundary. Millstone is a detached, two storey 1960s era house with a single storey garage to the side (next to the neighbour Field House). The plot size is 77m long and 18m wide on the front

boundary widening to 32m wide on the rear boundary, with the side boundary with the Green Belt tapering out.

4.2 Proposal

4.2.1 The application is seeking full planning permission for the demolition of the existing house and the construction of two detached houses. The houses have a block shaped footprint and at ground floor are 14.2m deep and 8.5m wide. At first floor level the depth is cut back to part 7.7m and part 10m. The properties comprise an integral garage, hallway, w.c., utility and store, lounge and kitchen / dining / family room at ground floor. At first floor level there are three bedrooms, one with an en-suite, a family bathroom and large landing area and at second floor level there is a fourth bedroom with en-suite and dressing area.

4.2.2 Externally the houses have a ridge height of just under 8m. The design shows a front gable projection and a lean-to roof above the garage and front door on the front elevation and a 4.3m deep flat roof single storey rear projection with slightly raised rooflights and a flat roof rear dormer window positioned central within the roof slope on the rear elevation. The plans also show that rear gardens of 43m to 45m in depth are being retained for the plots and at the front the driveway is to be re-positioned more centrally into the site providing a central turning area in front of both properties and two parking spaces in front of each house.

4.2.3 A Planning Statement has been submitted in support of the application (this can be viewed on the Council's website). This sets out the policy background for the site and the design process and how the scheme has been amended following the withdrawal of the earlier proposal.

4.2.4 The application has is being presented to Committee for determination as it has been called into Committee by Cllr Barnard for "debate", on the basis on that: *"little has changed since the pervious proposal, except there is one bedroom less to each property. The Parish Council objected previously and will consider its response at its next meeting".*

4.3 Key Issues

Principle

4.3.1 There is no objection to the principle of residential re-development on this site. As stated above, the site is within the urban area of Hitchin, where there is no objection to increasing housing numbers (densities) as both national and local planning policies seek to increase housing numbers within existing urban areas to negate the need to build new houses on greenfield sites. The keys issues in this instance are therefore the layout, design and impact of the development on the locality.

Layout and design

4.3.2 The houses are to have a brick and tile appearance with front gable projection and a lean to roof above the garage and front door. The houses have a standard appearance for new build houses. The existing houses of Millstone and its neighbour's Field House and Southlands were constructed at the same time in the 1960s. These houses have a very wide and relatively shallow footprint. The proposed houses have a narrower and deeper footprint than the existing neighbours of Field House and Southlands, and the elevation detailing is also different as the 1960s era houses have

tile or boarding cladding on the front elevations. Therefore, it can be concluded that the layout and design is not reflective to the immediate neighbours. However, when the wider context of Mill Lane is considered overall, where there is a mix of houses from different eras and of different styles, I do not consider that the proposed design is so out of context to justify the refusal of the application when the benefit of providing an additional unit of accommodation is taken into consideration. Therefore, on balance, I raise no objection to the design of the proposal.

4.3.3 In terms of layout, the houses are sited on roughly the same area of the site as the existing house, although they are slightly forward of this line. The front driveway is to be re-sited more centrally and an area of parking and turning is to be created in front of the houses. Given that many of the houses along the road have large driveway and parking areas and that an area of 17m in depth of front garden down to the lane is to be retained, I have no objection to this frontage layout.

4.3.4 The houses are positioned so that the house on the Mill Farm side is between 1.2m to 2m in off this side boundary with the Green Belt. Between the two houses a gap 2m is proposed and on the side adjacent to Field House the proposed house is set in off the side boundary by 1.2m at the front and 3.1m at the rear. This house is also positioned 0.8m in front of Field House at the front and the two storey part extends 0.6m rear of Field House with the single storey rear projection of 4.3m rear of that, so in total the new houses extend 4.8m rear of Field House. Both houses have large rear garden areas and plenty of space on site for the storage of bins.

Impact – Mill Lane

4.3.5 As discussed above I do not consider the design to be unacceptable in the context of Mill Lane. Furthermore, given that a large front garden area between the frontages of the houses and the lane is to be retained, this will allow for a degree of soft landscaping which will visibly soften and screen the new houses. On this basis I do not consider that visual impact in the lane would be so adverse to justify the refusal of the application on this basis.

Impact – Residential Amenity

4.3.6 I do not consider that there would be any unacceptable impact on the neighbour to the west Mill Farm. There is a wide track between Mill Farm and the application site which is overgrown with shrubs and trees and provides for a high degree of visual screening. Mill Farm is positioned closer to the lane, in line with the frontage of Millstone, so the bulk of the new houses will be mainly rear of Mill Farm. I accept that the occupiers of Mill Farm may well see additional, or new, visual bulk through the trees, especially in winter when there is less foliage, but I do not consider that the impact on this neighbour, would in any way be demonstrably harmful.

4.3.7 I consider that this will be a much more substantial degree of harm, both in terms of actual and perceived harm, on the other neighbour Field House. As existing Millstone has a single storey garage structure adjacent to Field House, and given that this house is positioned to the south-west of Field House, this allows for sunlight to enter onto the rear patio area of Field House rear of the lounge, on the side of the house next to Millstone. Field House also has a large front and side corner window in the front elevation serving the lounge that currently has an open aspect out over the frontage of Millstone. The proposed new house next to Field House, extends forward of Field House by 0.8m with a distance between the existing side flank of Field House and the proposed new house of 2.6m. Therefore, the view from the lounge out of the side window will be altered and the window will be shaded. However, in planning terms

there is no right to a view and given the short extent of the forward projection, I do not consider that this would appear unacceptably overbearing or over dominating to Field House. With regards to the shading, as the lounge has a corner window facing both the front and side, the front part of the window will be largely unaffected and I cannot conclude that the shading impact on the room would be so unacceptable to justify the refusal of the application for this reason.

4.3.8 At the rear, the two storey part of the new house will extend 0.6m further rearward than Field House at a distance of just under 4m away from the side flank of Field House. As most of the bulk of the house will be adjacent to the side flank of Field House, again, whilst I can sympathise with the occupiers of Field House and can accept that the corner of the two storey house will be closer when viewed from the rear patio area of Field House, I cannot conclude that the impact would have an unacceptable over bearing or over dominating impact. I note that the single storey part of the new house then extends 4.2m further rearward. However, the height of this part of the structure is 2.6m. Given that it is set in off the joint boundary with Field House by 3m and that Field House can have a garden fence up to 2m in height plus taller garden planting such as shrubs and trees along the fence line; whilst the top section of the roof may be visible, I do not consider that the adverse impact on the amenities of Field House would be so significant to justify the refusal of this application for this reason.

4.3.9 With regards to the shading of the rear patio area at Field House, I accept that the proposal will result in new shading of the patio area. However, given the overall size of the rear garden of Field House, such a small area would be affected that no material weight can be given to this concern.

4.3.10 Finally, with regard to Filed House the first floor side flank windows (which are a secondary window for bedroom 1 and the en-suite window) may cause overlooking and loss of privacy into the existing side flank bathroom window at Field House. On this basis I consider it reasonable to impose a condition requiring all side flank windows at first floor level and above to be obscure glazed and non opening below 1.7m above internal floor height to prevent this impact.

4.3.11 I note some overlooking from the rear dormer window. However, given the length of the rear gardens, with the back to back distance from the new houses to the house at the rear of approximately 100m, and that there are many mature trees in the garden and along the boundaries which will provide a high degree of screening, I cannot conclude that the dormer windows would result in any undue adverse overlooking of neighbouring gardens to justify the refusal of this application for this reason.

Car parking and traffic

4.3.12 The Council's SPD 'Vehicle Parking for new Development's' requires for a minimum of two off street parking spaces per dwelling with two or more bedrooms. For a garage space to 'count' as a parking space, it needs to have an internal dimension of 3m by 7m. In this instance, the internal garage size is 5m by 3m and cannot be included within the car parking allocation. This means that there are two off street spaces per dwelling. Given that the central turning area in front of the garages for turning is 8m by 7m, in reality there will be space for a third car to park in front of the garages in the event of visitors to the site. The application is therefore considered to comply with the Council's car parking standards and no objection is raised on this basis.

4.3.13 I note that several objections are raising concern with regards to the narrow width of the lane and the impact the build traffic will have on it both in terms of congestion and damage. However, whilst I can sympathise with the annoyance that the traffic

congestion may cause this is not a reason to refuse the application for as the construction of the houses will only be a temporary phase. The additional traffic caused by the addition of one new dwelling, will not add a significant increase in the volume of traffic using the lane and the application cannot be refused for this reason.

Other matters

4.3.14 I consider that it is appropriate to remove permitted development rights in this instance. The houses have been designed with, in effect, a single storey rear extension and to further extend off this could have impact on the neighbour and the impact of this would need to be assessed. Finally, I consider that there is plenty of space on site for the storage of bins at the side or rear for the houses so these will not be left out in frontages of the house and there is no need to provide a bin screen / store in this instance.

4.4 Conclusion

4.4.1 There is no objection raised to the proposal which is considered to comply with the necessary provisions of the Saved Policies 26 and 57 of the North Hertfordshire District Local Plan 1996 and is recommended for conditional permission.

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 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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by

the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason:To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Before any development commences on site, the following landscaping details shall be submitted to, and agreed in writing by, the Local Planning Authority and only the agreed details and be implemented on site. The details 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;

d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason:To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason:To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason:To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. No gates shall be provided across the access to the site.

Reason:In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

9. 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, C 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.

10. The windows at first floor level on the side elevation of the house next to Field House, hereby permitted, shall be permanently glazed with obscure glass and non opening below 1.7m above internal floor height.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

11. Prior to occupation, each dwelling shall incorporate on 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.

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.

Informative/s:

1. EV Informative

1) EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.
Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)
o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an

accessible enclosed termination point for future connection to an external charge point.
o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at https://www.gov.uk/government/organisations/office-for-low-emission-vehicles

2) The above condition is considered relevant and reasonable for the following reasons:

o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.
o The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
o HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

2. Highways Informative

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor by telephoning 0300 1234047.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.