

ITEM NO:	<u>Location:</u>	82 Wymondley Road, Hitchin, SG4 9PX
	<u>Applicant:</u>	Mr & Mrs Jackson
	<u>Proposal:</u>	Replacement dwelling following demolition of existing
	<u>Ref.No:</u>	16/01536/ 1
	<u>Officer:</u>	Tom Donovan

Date of expiry of statutory period : 12 August 2016

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

Cllrs Harris and Harwood indicated that they would like the application called-in to committee were the case officer minded to refuse the application.

1.0 Relevant History

- 1.1 Earlier in 2016 the case officer gave pre-application advice which highlighted several concerns with the proposed scheme. Other matters were looked upon more positively.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 8 - Development in Towns
 Policy 55 - Car Parking Standards
 Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework

Chapter 7 - Requiring good design

2.3 Supplementary Planning Document

Vehicle Parking at New Development SPD September 2011

2.4 Emerging Local Plan 2011-2013 (Preferred options)

D1: Design and Sustainability
 D2: House Extensions and Replacement Dwellings

3.0 Representations

3.1 Public Notice/ Local Residents

Mr Prosser, 80 Wymondley Road

COMMENTS as follows:

"As the owner of 80 Wymondley Road we would ask that the bathroom window on the west elevation has opaque glass.

As the brick built garage on the existing property is being demolished and this marks the boundary to 80 Wymondley Road what is going up on the boundary line ? I believe this boundary is the responsibility of the owners of 82 Wymondley Road."

3.2 Mr Marlow, 84 Wymondley Road

OBJECTION as follows:

Comment:1. The Architect's plans do not show the full extent of no.84 at the back. The only accurate plan is the location one which was supplied by the North Herts Council.

It omits the entire 2.50 metre ground floor extension which was added in the 1960's and must therefore be considered as the "footprint" of the property. The rear extension of 82 was built around 1978 so post dates the 84 one, but is shown on the plans. The true house size of 84 adds a further 2.50 meters to the length into the back garden and reduces the projection of the single storey garage beyond the house to only 0.95 metres.

Also the flat roof on the extension overhangs by 1 metre and there is raised decking 4.3m long. This means that 84 is more exposed to the proposed 82 than is shown in the application.

2. The proposal would move the rear ground-floor of 82 would move 6 metres further out into the back garden than it is currently and this would closely align the back of the existing 84 with the new proposed 82. Because of the elevation of the proposed new building relative to the garden of 84, the garden would be greatly overlooked by the rear ground floor windows of 82, and the outside terrace spaces would be next to each other, leading to a great loss of privacy.

The proposed plan would move the first floor rear elevation of 82 4 metres further out into the back garden, so again the back garden and patio would be much more overlooked than it is by the current number 82.

3. The proposal does not reflect the staggered arrangement of the existing houses, of which 84 is one, which follow the shape of the road. In this respect it does not reflect the original footprint of 82. This is a current feature of the road at this point which will be lost. The impact of this change for number 84 is that by not reflecting the staggered nature of the original footprint the back of 82 and 84 would align closely. This puts the two houses' "outdoor living spaces," doors and windows together and this seems to be a retrograde step given the amount of space available at 82 to place a large house and take this into consideration. 84 has a modern style back with glass doors across the width of the property and the plan for number 82 will follow suit. As the rear of 84 and its patio is also raised by a metre above the height of its garden our personal expectation had been that the proposal would address the proximity issues thrown up.

The existing back gardens of 84 and 86 are currently secluded, except where four trees have been recently removed from the side of 82 by the new owners. The garden of 82 is also secluded on the 84 side and in this part of Hitchin large shielded gardens are a great feature of the area.

Further it needs to be remembered that the garage on the side of 84 is only single storey and the plans of 84 are inaccurate so the garage does not provide the screening that PL003 might suggest. Also the upstairs of 84 has not been extended, while the house itself is raised at the back by about a metre.

Both 84 and 82 have extension potential without encroaching on each other by continuing with the staggering arrangement: 84 is a typical North Herts detached house configured with 2 doubles and one single bedroom, a downstairs extension across the back and a lean-to garage that runs the length of its west side. To extend to create a 4 bedroom house with more downstairs space the build would be over the garage footprint, possibly including above the existing downstairs back extension. The result could be 5 bedrooms if an extension to just the small front bedroom of about 1.5 meters were added to the front. However, there are no solutions that 84 could pull off in the longer term to restore its privacy at the back; only put more habitable space closer together to 82.

Extending any distance into the garden would push the problem to 86 and anyway is simply not necessary given the available space 84 has already to extend. 82 has similar capacity for a large property without moving backwards into the garden.

The supporting documentation states "Wymondley Road is generally typified by medium to large detached residential dwellings, many of them extended in varied elevational styles. The properties along this section of Wymondley Road have a staggered building line that follows the curvature of the road." This is the case.

In short 82 and 84 will coincide at the rear to the probable detriment of each, and that was not the intention of the original plot layouts.

61 Benslow Lane has been quoted as an example of good practice by the Architect but the new build has only been pushed back by a small amount from the old footprint when it could have been pushed further into the rear garden.

4. The aesthetics of the design.

Will this design fit in with the area? This is a concern if it is too imposing with regard to its surroundings.

In making a case for the proposal the Architect gives examples of stand-out houses which have received planning permission in Hitchin in the past. The proposal, like the other examples of existing houses, will probably stand out rather than fit otherwise the Architect would not have mentioned them. Some of the houses quoted have been controversial, in particular in The Avenue. The supporting documentation does state that the "Wymondley Road is generally typified by medium to large detached residential dwellings, many of them extended in varied elevational styles. The properties along this section of Wymondley Road have a staggered building line that follows the curvature of the road."

However it could be said that the following statements in the supporting documentation are not accurate as they exaggerate the mixed-ness of this area of the Wymondley Road:

"2.2 Wymondley Road properties are a mix of styles, designs and eras, (with the more important and larger Victorian and Edwardian houses more concentrated to the west end of the road.)" This is not the case and "At this eastern end of Wymondley Road there is a lack of distinctiveness " does not give an accurate picture. This area of the Wymondley Road, along with the Avenue and similar roads, is considered a very desirable area of older housing offering lots of character to this area of Hitchin. The style of housing and their follow-on extensions is on a par with the western end of Wymondley Road and the style continues for at least a further 12 detached houses going eastwards when they then become a mix of semis and detached houses, also of a traditional nature.

5. Windows and glass.

The plans show that the TV/ play room has two floor to ceiling windows on the east elevation directly facing 84. This does not appear to accord with the application which says:

5.8 *"It is important to note that there are no proposed direct facing habitable room windows to the neighbouring properties."*

Our understanding is that normal good practice is for there to be no direct facing habitable room windows so we would like this to be followed.

The TV/ play room also has floor to ceiling glass windows or doors on two sides at the back which does not suggest that noise privacy will be well maintained in the summer months unless these are permanently closed when the room is in use.

6. *Landscaping.*

Four trees have been removed from between 82 and 84 by the current owners and as a result 84 is now overlooked at the back. The proposal states " No doubt landscaping will be a condition appended to any permission granted. " We would like to see this appendix.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 No.82 Wymondley Road is detached dwelling which appears to date back to the 1960's. The house itself is a yellow-brick two storey detached dwelling with fairly significant single storey elements to the side and rear. The application site has an in-out driveway with a small garden to the front and a large rear garden.

4.2 Proposal

4.2.1 Replacement detached two-storey dwelling to provide a four-bedroom dwelling (with guest-suite). Single storey elements are proposed for the rear of the main two storey section of the proposed dwelling.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of a replacement dwelling;
- The acceptability of the design and appearance of the replacement dwelling;
- The acceptability of the standards of living provided by the replacement dwelling;
- The impact that the proposed change of use would have on the living conditions of neighbouring residents;
- The acceptability of the car parking arrangements proposed to serve the dwelling.

4.3.2 Principle

In my view there would be no objection to the principle of a replacement dwelling in this location. Its acceptability ultimately comes down to the detailed proposals.

4.3.3 Design and appearance

National Planning Policy Framework (NPPF)

The NPPF appears to place great importance on ensuring that new development is well related to the existing character and identity of an area while also being of a high quality design that would contribute in helping to raise standards of design in an area. In addition, the NPPF warns against stifling innovation, originality or innovation whilst also emphasizing again the importance of promoting or reinforcing local distinctiveness.

4.3.4 North Herts Local Plan - Policy 57

Policy 57 sets out the context within which new residential development should be considered. Guideline 1 suggests that:

'...the layout, design and character of each new development must relate to that site's physical shape and existing features, and the character of the surroundings';

'...the concern for the site and surroundings is equally, if not more, important for small developments...';

'...single dwellings can have a disastrous impact on the street scene...due to insensitivity to the scale of the surrounding buildings...'

Guideline 2 suggests that:

'The design and layout of new houses should be acceptable to most people in visual, functional and social terms, whether as residents or as visitors'.

'To achieve the highest standards of design, housing proposals should relate to and enhance their site and surroundings'.

4.3.5 Existing local character and distinctiveness

As pointed out in the above paragraphs, the NPPF places great emphasis on relating new development to the 'existing character and identity of an area' and to 'promote and reinforce local distinctiveness'. In my view, the proper way to judge how successfully a proposed development meets these requirements is to examine and understand the prevailing character of the area and reflect on how the proposal responds to this.

The vast majority of the properties along Wymondley Road, together with properties in the immediate vicinity situated along Ninesprings Way, Halsey Drive etc. plus the various off-shoots such as Girons Close and Wymondley Close, are 3/4 bedroom properties with traditional facing materials and pitched roofs. Whilst it is recognised that the exact design and roof type of each property is not exactly similar, the general proportions and the presence of traditional hips/gables is noted.

In terms of the immediate vicinity, the properties have been staggered in such a way as to follow the curvature of the road. In design terms, some of the properties have great similarities in terms of their form and detailing, while some, such as no.82, has an appearance that has some design elements which are at odds with immediate neighbours. That said, the existing property has a pitched roof, is built with traditional materials, and is positioned in such a way as to follow the curvature of the road and relate to the properties either side in terms of its size and general appearance.

There are of course some examples of more contemporary design elements as part of development works to some of the properties in the wider vicinity but the prevailing character of Wymondley Road and this part of Hitchin more generally, is that of mid-twentieth century two storey dwellings with pitched roofs, small bay projections and hipped roof elements. Facing materials and detailing may vary slightly but many have facing brickwork with a plain tiled roof.

Lastly, it is noted that, while many of the properties in the vicinity bear similar characteristics to each other, they are by no means identical. That said, there are aspects which are consistent along the entire street and indeed the wider area and it is these features that for me provide the local character and distinctiveness.

4.3.6 The proposal - response to local character and distinctiveness

The proposed replacement dwelling would have an overall design and appearance which would, in my view, be significantly at odds with the prevailing character of the area as outlined above.

My interpretation of the design is that the principle part of the house would be the white rendered two storey mono-pitch section which sits slightly forward of the other two storey part of the house. The eaves and ridge heights are similar to those of the

surrounding properties but, in my view, this is where the similarities end. The roof form is not consistent with the basic form of any other properties in the area and, while many of the other properties feature different variations in terms of hips/gables/orientation, more often than not, the main roof has a symmetry, with heights and proportions. remaining fairly consistent. I do not consider that the roof of this section has paid any regard to the local character of other properties in the area.

It appears that the other two storey section and the single storey elements have all been designed in order to have a level of subservience to the mono-pitch two storey section. In principle I can understand the general theory behind this and do not raise any specific concerns per-se. However, the other sections of the proposed house add further complications to the design which, given the simplicity of the vast majority of the properties in the area, seems somewhat unnecessary and out of keeping. The design incorporates different variations of pitched and flat roofs and again, above single storey level, this results in an over-complicated design which, again, pays little regard to the size, design and scale of other properties in the area.

4.3.7 Innovative/ outstanding design?

The NPPF encourages LPA's to not '*impose architectural styles or particular tastes and...stifle innovation, originality or initiative*'. In addition, the NPPF suggests that '*great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area*'.

My principle concern is to ensure that the replacement dwelling has a clear relationship to the other properties in the immediate vicinity of the site thereby responding the prevailing character of the area. At pre-application stage, I provided a response which was fairly warm towards the introduction of contemporary elements but under the auspices of a more traditional, simplistic dwelling type.

Whilst the design of the property may be considered to be innovative by some, I do not consider that innovation should come at the price of wider harm to the character or appearance of an area. I certainly do not feel that the design is of such architectural value or merit that this design is appropriate in the context within which it finds itself.

I harbour significant concerns over the forward projecting, mono-pitch two storey element and the resultant introduction of a significantly prominent blank two storey section of wall to a height of approximately 8.5m. Due to the curvature of the road this part of the house would be significantly visible in the streetscene when viewed from the east. This is further amplified by the positioning of the front wall of the adjacent property to the east some 9.5m behind the front wall of the two storey projecting part of the replacement dwelling. This element of the proposed development would introduce an incongruous, over-dominant and obtrusive element which would be harmful to the streetscene

4.3.8 Other sites

In the Design and Access Statement (DAS), the agent has drawn attention to three proposals for replacement dwellings which the Council has previously supported. Whilst it is of course important for officers to consider previous decisions, I do not believe that the three sites referenced mimic the situation found here to any significant degree. It is therefore my view that little weight should be attributed to these decisions in terms of judging the acceptability of this scheme.

I note the architect's reference in the DAS that officers should not comfortably rely on replicating what has gone on before - good or bad. However, if planning paid little interest in responding to the past, there would be little point judging the design and appearance of a proposed development as the whole matter of context would be somewhat arbitrary. It is presumably for this reason that the NPPF sets out guidelines for ensuring that new development is appropriate within the context within which it finds itself and, to this, I attribute great weight.

4.3.9 The emerging Local Plan has now been endorsed by full Council and is therefore able to be attributed more weight in terms of decision making. Policies D1 and D2 are the relevant sections and are largely compliant with relevant local and national policies previously cited in this report. There is little in the emerging Local Plan which would suggest to me that the proposed development would be acceptable.

4.3.10 Design conclusions

I began this section of my report by stating that I felt it was important to examine the prevailing character of the area before considering how the proposed dwelling would respond to this.

Having carefully considered the details of the application it is my view is that the proposed dwelling fails to positively respond to the prevailing character of the area and would therefore have a negative impact on the overall character and appearance of the area.

In addition, the design would not be so innovative or outstanding that it would help raise the standard of design in the area. Indeed, it is my view that it would have the opposite effect as the proposed dwelling would introduce an incongruous and obtrusive two storey element of a height and prominence which would be significantly harmful to the streetscene.

For the reasons set out above, it is my view that the proposed development would be contrary to the design guidelines found within Chapter 7 of the National Planning Policy Framework and guidelines 1 and 2 of Policy 57 of the North Hertfordshire District Local Plan no.2 with Alterations.

4.3.11 **Residential guidelines and standards**

The proposed scheme would provide an acceptable standard of living for potential occupants of the replacement dwelling. The rooms all appear to be of a good size, will be naturally lit where necessary whilst a significant amount of private amenity land is situated to the rear of the property.

4.3.12 **Impact on neighbouring properties**

Given the layout and orientation of the site the key issue for consideration is the impact that the proposed development would have on the living conditions of the adjacent property to the west, no.80 Wymondley Road, and the adjacent property to the east, no.84 Wymondley Road.

4.3.13 80 Wymondley Road

The flank wall of the proposed replacement dwelling is proposed to be positioned approximately 3m from the boundary with no.80. Moreover, the front and rear wall of the main two storey element would sit adjacent to the flank wall of no.80.

In my view this layout would ensure that the bulk and form of the proposed dwelling would not result in any significant harm to the living conditions of this property.

Two first floor windows are proposed at first floor level on the west-facing flank elevation. However, both of these windows are proposed to serve en-suites are could therefore be conditioned to be fitted with obscure glazing.

I do not consider that the living conditions of no.80 Wymondley Road would be negatively affected by the proposed development.

4.3.14 84 Wymondley Road

The flank wall of the eastern part of the proposed dwelling would be situated approximately 2m from the flank boundary at its closest point. The flank wall of the two storey section would be situated approximately 4.5m from this same boundary.

Ultimately it is my view that, given the distances involved and the proposed layout, sufficient distance would be provided between the proposed dwelling and no.84 to ensure that this property would not be negatively affected by the bulk and size of the proposed development.

No first floor windows are proposed for the east-facing flank elevation of the proposed replacement dwelling. Consequently, it is my view that the occupants of no.84 would not suffer a loss of privacy as a result of the proposed development.

I do not consider that the living conditions of no.84 Wymondley Road would be negatively affected by the proposed development.

4.3.15 Others

Other neighbouring properties would not be affected by the proposed development.

4.3.16 **Car parking**

A residential property of this size would have a requirement to be served by a minimum of two car parking spaces. This is comfortably met by the proposal and therefore this aspect of the proposed development is compliant with the relevant planning policy regarding car parking at new development.

4.4 **Conclusion**

- 4.4.1 Due to its form, proportions and detailing, the proposed replacement dwelling would have a design and appearance out of context with the established prevailing character and appearance of the area. In addition, the height, form and design of the forward projecting part of the proposed development, would introduce an incongruous, over-dominant and obtrusive element which would be harmful to the streetscene, particularly when viewed from the east. The proposal is therefore contrary to the provisions of Section 7 of the National Planning Policy Framework and Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations and it is my recommendation that planning permission should be **REFUSED**.

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 permission be **REFUSED** for the following reasons:

1. **Reason for Refusal**

Due to its height, form, proportions and detailing, the proposed replacement dwelling would have a design and appearance totally out of context with the established prevailing character and appearance of this part of Wymondley Road. The proposal is therefore contrary to the provisions of Section 7 of the National Planning Policy Framework and Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations.

2. The height, form and detailing of the forward projecting part of the proposed development, would introduce an incongruous, over-dominant and obtrusive element which would be harmful to the streetscene, particularly when viewed from the east. This aspect of the proposed development is therefore contrary to the provisions of Section 7 of the National Planning Policy Framework and Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations.

3. **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.