

ITEM NO:	<u>Location:</u>	Land Rear Of, 1-4 Post Office Row, Weston
	<u>Applicant:</u>	Mr Heaps MJL Developments Limited
	<u>Proposal:</u>	One 3 x bedroom dwelling, parking and amenity space (as amended by plans received 20.9.16)
	<u>Ref.No:</u>	16/01352/ 1
	<u>Officer:</u>	Joanne Cousins

Date of expiry of statutory period : 28 July 2016

Reason for Delay

Negotiations to overcome local concerns. The statutory expiry date has been extended to 30 November 2016.

Reason for Referral to Committee

Call in by Cllr Jarvis who supports the Parish Council objection.

1.0 Relevant History

- 1.1 Planning permission refused in October 2004 for a detached three bedroom dwelling. Decision was appealed and dismissed in June 2005. A further application was refused in 2006. A further application was refused in 2007 for the following reasons:

"The proposed dwelling, by reason of its two storey form and position relative to No 4 Post Office Row, would give rise to an unacceptable degree of intrusion into the aspect of that property and be so materially dominant as to be contrary to the provisions of Policy 57 of the District Local Plan with Alterations.

The submitted unilateral undertaking has been judged incomplete and therefore would not deliver the obligations necessary (as set out in the Council's SPD) in order to mitigate the impact of the proposed development."

- 1.2 In February 2013 permission was refused for a detached two bedroom bungalow for the following reason:-

"The form, height, and architectural appearance of the proposed dwelling and the treatment of the street frontage within its curtilage would not preserve or enhance the special built character and appearance of the Conservation Area. As such, it is considered that the proposal would harm the identifiable significance of the Area and that it would not make a positive or respectful contribution to the historic environment contrary to the advice and guidance in section 12 of the NPPF."

- 1.3 In February 2015 permission was granted for a detached two bedroom bungalow following negotiations on the scheme to achieve a satisfactory design and form of development.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 2 - Green Belt
Policy 3 - Settlements within the Green Belt
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas
Policy 55 - Car Parking Standards
Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework

Paragraph 14 'Presumption in Favour of Sustainable Development'
Paragraph 17 'Core Planning Principles'
6 - Delivering a wide choice of quality homes
7 - Design
9 - Protecting Green Belt land
12. Conserving and Enhancing the Historic Environment

2.3 Supplementary Planning Document

Vehicular Parking at New Development

2.4 North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map - October 2016

Policy SP1 'Sustainable Development in North Hertfordshire'
Policy SP2 'Settlement Hierarchy'
Policy T1 'Assessment of transport matters'
Policy T2 'Parking'
Policy D1 'Sustainable design'
Policy D3 'Protecting Living Conditions'

3.0 Representations

3.1 Weston Parish Council - Raise the following objections to the proposals as originally submitted:-

'This site has a long history. The PC has supported the objections of nearby residents to various planning applications in the past on the basis that the proposals were inappropriate for the Conservation area site. The last proposal was for a modest two bedroom low profile bungalow that appeared reasonable for the site and the PC supported the plans. The PC considers this a cynical attempt to change the previously acceptable plans to a significantly larger building and the PC objects on the following grounds:

- 1. The proposal is clearly the size of a two storey building, albeit the developers claim it will not be significantly higher than the previously agreed bungalow because it is proposed to lower the site by excavation. However the PC considers it will be visually intrusive to the neighbours in Post Office Row.***
- 2. The new proposal is significantly closer to the residents in Post Office Row.***
- 3. The size of the proposal is inappropriate to the site in the Weston Conservation area.***
- 4. The increased size would suggest increased occupancy and the PC consider the parking/turning provision inadequate.'***

The Parish Council were re-consulted on the amended plans and maintain objections as follows:-

3.2 **Local Residents** - The occupiers of 6 Hitchin Road, 1, 2 & 4 Post Office Row have objected to the scheme as originally submitted for the following reasons:

- Such a large imposing structure is completely unsuitable for the plot, degrades the character of the Conservation Area
- now a 3 bedroom taller property on larger footprint
- impact and encroachment as a result of the larger footprint and height increases
- Loss of light
- loss of privacy
- loss of view
- Dominance
- Plans suggest lower ground levels which may impact on the water table
- Chimneys will take the height of the building above the original approval

Re-consultation on the amended plans was carried out. No further representations have been received.

3.3 **Hertfordshire Highways** - No objection raised subject to the imposition of three conditions and a highway informative.

3.4 **Waste management** - make the following comments:-

'No bin storage area appears to be shown but there seems to be adequate space within the property boundary to store the containers. However the applicant should please note that

-Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area, or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering

- Residents should present their containers for collection at the kerbside'

3.5 **Archaeology** - confirm that in this instance the proposal is unlikely to have an impact upon heritage assets of archaeological interest and have no specific comment to make.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site occupies the first gap between buildings after Post Office Row heading out of the village toward Letchworth. The site is a maximum of 50 metres deep and at its narrowest point on the road frontage 10 metres wide increasing to a maximum of 23 metres wide.

The site is adjacent to the rear boundaries of properties in Post Office Row to the south-east and the side of 6 Hitchin Road to the north-west.

4.2 Proposal

4.2.1 The application seeks permission to erect a 3 bedroom detached dwelling with two off street parking spaces and turning area to the front of the dwelling. The application has been amended due to objections from the Parish Council and local residents. The building would be of a weatherboarded barn-like design with a plain clay tile roof. The design would be in two sections linked by a flat roofed area and would be single storey only. The rear section containing the main

kitchen and living area would have two roof lights above the kitchen. The maximum height would be 5.4 metres with the flat roof section having a height of 2.7 metres. The structure would have half-hipped roofs facing 6 Hitchin Road and Post Office Row which serves to further lower the roof line and add interest.

The front section would be set back from Hitchin Road by 13.6 metres to allow two parking spaces and turning area to the front. The property access would be to the right of the plot onto Hitchin Road, as viewed from the street. The development would due to the design be staggered along the boundary with 6 Hitchin Road by an overall length of 17 metres which at its closest point would be 4.1m distant (wall to wall). The flank wall of the development would be 12m from the rear wall with 4 Post Office Row.

A garden area approx 19m deep would be provided to the rear of the property.

4.3 **Key Issues**

4.3.1 The key issues here centre on the following matters:

- Principle of development/Policy considerations
- Impact in the Conservation Area
- Impact on the amenity of nearby residential properties
- Access to the highway

4.3.2 **Principle of development**

The principle of a dwelling on this site is broadly accepted despite Weston's current Green Belt designation. The National Planning Policy Framework became a material planning consideration in March 2012; it is, therefore, relevant to consider the policy advice within this document. New buildings are inappropriate development within the Green Belt. However, extensions to existing buildings and limited infilling can be considered as exceptions, providing they would not have a greater impact on the openness of the Green Belt. The Council's policy 3 is broadly in line with this consideration.

4.3.3 The new dwelling would be located within a small gap of an otherwise built up frontage within the core of the village and would not extend beyond the built limits of the village. I, therefore, consider this development would be an exception to normal Green Belt policy.

4.3.4 **Emerging Local Plan**

The local plan proposed submission is currently in its six week consultation period. Following this, the Council will need to analyse the representations that are made in preparation for the Plan to be examined by an Inspector, and if found to be sound, could then be adopted by the Council. Paragraph 216 of the NPPF advises that from the date of publication, decision-takers may also give weight to relevant policies in emerging plans according to: ***the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.*** Given that the adoption of the plan remains some time away, it is viewed that the weight that can be given to the emerging plan is still very limited. It should be noted that Weston is a Category A village in the *Proposed Submission*, where a defined settlement boundary is set. This site would be within that boundary.

4.3.5 **Design/scale**

The site benefits from an extensive planning history. The previous refusals were critical to the design and form of the development that was granted in 2015. The principle of a dwelling that integrated with and respect the identified positive built character of Weston Conservation Area was the primary consideration and the

successful application produces a dwelling of a more individual and innovative design which accorded with the Council's Senior Conservation Officers' advice. In my view while this current application departs from this more innovative design with a more traditional barn-like structure it never-the-less follows the spirit of the design and scale approach taken. The scheme includes a Sedum roof to the flat section and an electric charging point for vehicles to the front of the property. As such I consider the application acceptable and conclude that it would not conflict with the positive built characteristics and appearance of Weston Conservation Area or unduly impinge upon any residential amenity as discussed below.

4.3.6 In terms of the new residents, it is important to ensure that this development provides a satisfactory living environment. Policy 57 of the Local Plan suggests a provision of 75 sq of private amenity space provision. In this case there is sufficient provision for on-site amenity space given the size of plot which accommodates a rear garden and a courtyard/side garden adjacent to the boundary with Post Office Row. I am satisfied that the scheme complies with the relevant policy provisions.

4.3.7 **Impact on Conservation Area**

The impact that this proposal would have in the Weston Conservation Area is a central consideration in assessing the scheme. The Council's Conservation Officer commented in detail on the previously approved scheme granted in 2015 and has advised on this current application resulting in the amended scheme. Consequently the form of development maintains some of the elements of that already granted namely the development is split into two main sections with a link element which breaks up the bulk of development and aligns to the configuration of the plot. The changes are as follows:-

- The height of the development has been reduced to maintain a single storey design and roof lights to the front elevation have been removed.
- The glazing has been adjusted to take into account design advice to reflect a more barn-like and random pattern to the front elevation.
- The front elevation has been amended by reducing a central projecting bay to a lower level.
- A proposed chimney has been removed
- Site levels are confirmed to be lowered by 500mm

4.3.8 Given the approved scheme and the amendments that have been made to this application I consider that the scheme would preserve the special built character and appearance of the conservation area and subject to imposing conditions regarding external materials, would raise no objection on the basis that the proposal satisfies the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Sections 7 and 12 of the NPPF.

4.3.9 As the site is in the Conservation Area, I have considered the need for additional conditions and feel that it would be expedient to remove permitted development rights here. The design and scale of the proposed development is unique to this site and future additions should be subject to the control of the Local Planning Authority to ensure that development is appropriate.

4.3.10 **Impact upon neighbouring residential amenity**

There are residential properties immediately adjoining the site in Hitchin Road and Post Office Row. In my view the relationship between the new dwelling and these properties is acceptable and the impact upon living conditions would be minimal.

4.3.11 There are differences from the scheme that has been approved and these primarily relate to the positioning of the dwelling on the site which now sets the front of the dwelling 6.1 metres further back from the highway. The occupier of No 6 Hitchin Road would have the flat-roofed section as the closest part of the development to

the side which would not impinge on light in my view. The height of the two storey sections and the relative to No 6 would be such that it would not interfere with the availability of natural light to any material degree. I am also satisfied that the relationship with properties in Post Office Row is acceptable and that no material loss of light would occur.

- 4.3.12 In terms of privacy the property is single storey and windows are positioned so as to reduce any perceived privacy. There is no intention to have first floor accommodation and this can be safeguarded in the future by restricting permitted development rights. The roof lights over the kitchen area are of a height where they would allow light only and in any event face the front of the property where they would not over look any adjacent occupier. The single storey link would be close to the boundary with 6 Hitchin Road but boundary landscaping would safeguard any potential privacy issues. The submitted landscape proposals clarify that additional planting and hedging would be made along the boundary. These details are the subject of a condition to ensure that they are implemented.

In summary I can not conclude that the proposed building, being single storey, would have a materially detrimental impact on the living conditions of adjoining properties.

- 4.3.13 In addition I do not consider that the proposal would have any negative impact due to noise generation from the new dwelling (such as cars) as the proposed parking area is so close to the existing highway.

4.3.14 **Highway Considerations**

The application differs from that previously granted as it now sets the dwelling further back on the site to accommodate for the turning of vehicles within the site which improves highway safety along this part of Hitchin Road. The Highway Authority confirms that the property is located along the Hitchin Road classified as the C19 local access road with a speed limit of 30mph. The applicant proposes no significant alteration to the existing access. The drive and proposed parking area have sufficient room for vehicles using the proposal. The vehicle to vehicle inter-visibility from the existing access and pedestrian visibility will not be altered by the development proposed. It is concluded that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the imposition of conditions and implementation of the highway informative.

4.4 **Conclusion**

- 4.4.1 Taking into account the comments received from statutory consulters and in view of the conclusions reached above I consider that the proposed development would satisfactorily integrate with and complement neighbouring buildings and the Conservation Area in terms of scale, design, layout and access. The proposed development is considered to be acceptable in planning terms and in accordance the provisions of the local plan and the provisions of the NPPF in particular with reference to achieving a sustainable form of development which does not compromise the amenities of surrounding occupiers or the quality of the local environment and this part of the Weston Conservation Area.

In the absence of any material or sustainable grounds for objection I have framed a favourable recommendation accordingly.

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 (to include the stain/colour finish to timber boarding) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.**

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. Prior to the first use of the proposal, the access and turning area shall be provided as shown on drawing number AT613-01.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

5. The gradient of the access shall not be steeper than 1 in 10 for at least the first 5 metres from the back edge of the footway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

6. The access shall be constructed in a hard surfacing material for the first 5 metres from the back edge of the footway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Classes A to 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.

8. The detailed landscaping, as illustrated on the submitted Landscaping Proposal plan, shall be carried out before the end of the first planting season following either the first occupation the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

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) (Amendment No. 2) Order 2012.

Highway Informative

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertscc.gov.uk or for information use our website www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

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