

<b>ITEM NO:</b>	
<u>Location:</u>	<b>40 Dacre Road Hitchin Hertfordshire SG5 1QJ</b>
<u>Applicant:</u>	<b>JCAL Ltd</b>
<u>Proposal:</u>	<b>Variation to Condition 2 (insertion of front dormer windows) of Planning Permission 19/00249/FP granted 02/04/2019 for erection of one terrace of three 2-bed dwellings following demolition of existing bungalow (as amended by plan nos. PL02 E &amp; PL03 D)</b>
<u>Ref. No:</u>	20/00292/S73
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 17th April 2020

**Reason for Delay**

Negotiations and Committee cycle

**Reason for Referral to Committee**

This application is being reported to Committee because it has been called in by Councillor Ian Albert in the public interest.

1.0 **Planning Policy**

1.1 **North Hertfordshire District Council**

- Policy 26: Housing proposals
- Policy 55: Car Parking Standards
- Policy 57: Residential Guidelines and Standards
- Supplementary Planning Documents
- Design SPD
- Vehicle Parking Provision at New Development SPD (2011)

1.2 **National Planning Policy Framework (February 2019)**

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

### 1.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

### 2.0 **Site History**

- 2.1 19/00249/FP: Erection of one terrace of three 2 -bed dwellings following demolition of existing bungalow (as amended by drawings PL02C and PL03B received 1/4/19).  
Granted 02.04.19

### 3.0 **Representations**

- 3.1 **Hertfordshire Highways:** Advises no objection to application.
- 3.2 **NHDC Environmental Health officer (Contamination):** Advises 'no comment'
- 3.3 **NHDC Environmental Health officer (Noise)** Advises 'No comment'
- 3.4 **Site Notice / Adjoining residents:**

Comments received objecting to the development raising the following points:

- ☐ Dormers out of keeping
- ☐ Lack of parking will put pressure on existing residents parking especially at evenings and weekends

### 4.0 **Planning Considerations**

#### 4.1 **Site & Surroundings**

- 4.1.1 The application site is located at the northern end of Dacre Road on the west side of the road. The original detached bungalow on the site known as no.40 Dacre Road has been demolished and planning permission ref: 19/00249/FP is under construction. The majority of the street is comprised of terraced properties. To the northern boundary the site adjoins rear gardens belonging to properties on Nightingale Road (all two storey).

#### 4.2 **Proposal**

- 4.2.1 This application (as amended) seeks an amendment to planning permission 19/00249/FP with the following differences:

- ☐ Insertion of three flat roofed dormers into the front facing roof slope

- ② Very slight re-positioning of approved rooflights on front facing roof slope

The proposed development is in all other respects the same as the approved planning permission. The amendment to the plans that were originally submitted for this application (drawing nos. PL02E & PL03D) received on 27<sup>th</sup> March, reduced the width of the front dormers to a two-windowpane design from a triple windowpane design and added rooflights. Rooflights on the front facing elevation were approved as part of the previous grant of planning permission.

### 4.3 Key issues

- 4.3.1 The key issues are the impact of the proposed amendments on the character and appearance of the area and the impact on neighbouring property. As planning permission has been granted for a terrace of three dwellings with no parking these are the only issues for consideration with this revised application.

#### 4.3.2 Impact on the character and appearance of the area

- 4.3.3 The main issue is whether the insertion of the three flat roofed dormers, as amended, could be considered as an appropriate form of design in this locality. Dacre Road consists mainly of terraced properties generally of two stories and with simple gabled roofs. The properties vary in age from the Victorian era to modern terrace dwellings. There are, however, a few examples of properties with higher eaves levels – such as Nos 31 and 32 and 58 both of which have front facing gables with second floor windows facing the street. In addition, Nos 59 and 60 are terraced dwellings with a slightly higher elevation due their basements with a single roof dormer each also facing the street. In the immediately adjoining street at 40 – 50 Radcliffe Road there are several terraced properties with front facing roof dormers. The original bungalow at No. 40 also had a front facing roof dormer. Whilst one could say therefore that the majority of properties in Dacre Road and the immediate area do not have roof dormers facing the street there are clearly some examples of dwellings that do have roof dormers. In addition, there are a variety of dwelling types, differences in eaves levels, ages of property and a range of external materials in the area that add to its mixed character. I am therefore of the view that the built environment here is not of such a uniform scale and character that rules out the provision of roof dormers as an unacceptably jarring form of design in this locality. Furthermore, the application site nor the immediate area does not have any specific designation such as conservation area or Article 4 status that sets more stringent parameters for scale and design in the area.

- 4.3.4 The proposed dormers have been reduced in width so that the window frames are similar in width to the first-floor windows and therefore they do not appear as ‘top heavy’ as originally proposed. In addition, the dormer windows are not as deep as the first-floor windows. The dormers themselves are set well within the roof slope of the front elevation, set in from the verges, set up from the eaves and down from the ridge and therefore they appear more subservient and in proportion with the roofscape.

As such I consider that the design of the dormers is sympathetic to the new terrace in terms of scale, proportion, window design and materials consistent with the requirements of Policy 57 of the local plan and Policy D1 of the emerging local plan.

4.3.5 In view of the above analysis I consider that the proposed front facing roof dormers would not be harmful to the character and appearance of the area.

#### 4.3.6 **Impact on neighbouring property**

4.3.7 The approved terrace of three dwellings has a similar building line as the surrounding properties and includes short front gardens as have many of the nearby properties. As in many streets, properties in Dacre Road face each other on opposite sides of the road and include front facing windows to habitable rooms such as living rooms and bedrooms both at ground and first floor level. In this case the new terrace would establish a similar relationship found in Dacre Road and common to many other areas where properties face each other, across a carriageway. The proposed front facing dormer windows, although clear glazed and serving bedrooms, would result in no greater loss of privacy than the present situation. In fact the dormer windows are smaller than the first-floor windows and set further back and arguably have less impact. I am satisfied that given the well established 'front to front' relationship of windows facing each other across Dacre Road there would be no significant loss of privacy or any other adverse impact on the living conditions of existing residents.

#### 4.4 **Conclusion**

Taking into account the above analysis of this application I consider that there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to conditions.

#### 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 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.

2. The development hereby approved shall be carried out in accordance with the Construction Management Plan details agreed under Discharge of Condition ref: 19/02869/DOC.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

3. The development hereby approved shall be carried out in accordance with the Environmental Risk Assessment approved as part of condition 4 of planning permission ref: 19/00249/FP.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

4. The development hereby approved shall be carried out in accordance with the landscaping details approved under Discharge of Condition application ref: 19/02897/DOC.

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

5. The development hereby approved shall be carried out in accordance with the materials approved under Discharge of Condition ref: 19/02898/DOC.

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

6. The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission ref: 19/00249/FP.

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.

7. 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, 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.

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

## 1) Construction Code of Practice:

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

## 2) Construction hours:

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

## 3) Asbestos:

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.