

<b>ITEM NO:</b>	<u>Location:</u>	<b>9 Church Lane, Kimpton, Hitchin, SG4 8RR</b>
<b>8</b>	<u>Applicant:</u>	<b>Mr &amp; Mrs Cole</b>
	<u>Proposal:</u>	<b>Part single and part two storey rear extension</b>
	<u>Ref. No:</u>	<b>17/02500/ 1HH</b>
	<u>Officer:</u>	<b>Kirstie Hough</b>

**Date of expiry of statutory period:** 29 November 2017

**Reason for Delay** (if applicable)

Extension of time agreed until 19 December 2017

**Reason for Referral to Committee** (if applicable)

Kimpton Parish Council objection contrary to Officer recommendation and Councillor agreement with the Parish Council objections.

### **1.0 Relevant History**

- 1.1 14/00668/1HH- Part single and part two storey rear extension WITHDRAWN  
14/00682/1LB- Part single and part two storey rear extension following demolition of rear single-storey lean-to and detached external WC building WITHDRAWN
- 1.2 15/00043/1HH- Part single and part two storey rear extension WITHDRAWN  
15/00044/1LB- Part single and part two storey rear extension following demolition of rear single-storey lean-to and detached external WC building WITHDRAWN
- 1.3 15/01822/1HH- Part single and part two storey rear extension WITHDRAWN  
15/01823/1LB- Part single and part two storey rear extension following demolition of rear single-storey lean-to and detached external WC building WITHDRAWN
- 1.4 Three previous applications for differing designs of single and two storey rear extensions - all withdrawn due to unacceptable design or impact upon neighbouring property.
- 1.5 17/00328/1HH- Part single and part two storey rear extension REFUSED  
17/00329/1LB- Part single and part two storey rear extension following demolition of rear single-storey lean-to and detached external WC building REFUSED
- 1.6 These most recent applications were REFUSED for the following reason:  
*1. The pedestrian to vehicle inter-visibility associated with the new vehicle access to the new parking space has not been clearly demonstrated. The recommended visibility splay of 2.0 metres x 16 metres along the footway along Church Lane to each direction from the parking space, has not been demonstrated as being achievable. This vehicle to vehicle inter-visibility is to provide adequate visibility for approaching pedestrians and drivers leaving the site. This would lead to vehicles leaving the site coming into conflict with pedestrians along Church Lane, which would be prejudicial to general provisions of highway safety and convenience, contrary to the National Planning Policy Framework - Paragraph 35 and contrary to the minimum sightline provision along the street edge contained in Manual for Streets, Section 7.8.3.*

## **2.0 Policies**

### **2.1 North Hertfordshire District Local Plan No.2 with Alterations 1996**

Policy 16 - Areas of Archaeological Significance and other Archaeological Areas  
Policy 28 - House Extensions  
Policy 55- Car Parking Standards

### **2.2 National Planning Policy Framework**

Section 7. Requiring good design  
Section 12. Conserving and enhancing the historic environment

### **2.3 North Hertfordshire Draft Local Plan 2011-2031 'Preferred Options Consultation Paper' and Proposals Map**

The North Hertfordshire Draft Local Plan 2011-2031 has been submitted to the Secretary of State for examination and the EiP is underway. The Policies of the submission Local Plan therefore carry limited weight at this stage however, the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

#### Strategic Polices:

SP9: Design and sustainability

SP13: Historic Environment

#### Development Management Policies

Policy D1 Design and Sustainability

Policy D3 Protecting Living Conditions

HE1: Designated heritage assets

## **3.0 Representations**

### **3.1 Local Residents / Site Publicity Notice** - Objections received from 14 residents in Church Lane, Parkfield Crescent and The Green stating:

- Impact upon the residential amenities of No. 5.
- Issues relating to the drains serving terrace properties.
- Harmful impact upon character of the listed building.
- Harmful impact upon character of Conservation Area.
- Loss of historic outbuildings would harm the character of the dwelling and area.
- Loss of privacy for neighbouring gardens.
- Out of proportion with host property.
- Harmful impact upon views from the Church.

### **3.2 Kimpton Parish Council** - Objection stating:

*" Kimpton Parish Council objects to this planning application and listed building consent for 9 Church Lane, Kimpton due its adverse impact on neighbouring properties and overbearing nature within a Conservation Area.*

*It is a small site of three connecting cottages so the second storey proposal has a significant effect on the locality. The huge baulk of the proposal is totally unsuitable for this sensitive central village location and will overshadow the neighbourhood. The new layout will be out of proportion with the two attached cottages.*

*The side elevation will be out of proportion when viewed from the east by the Grade 1 Listed St Peter and St Paul Church that is situated on higher ground. The planning officer should complete calculations for the light values for neighbours to ensure that there is not a loss of sunlight nor a loss of privacy from the second storey.*

*Historic outbuildings are to be removed thereby devaluing our local heritage. We ask that the planning officer checks whether the development will require the removal of the pitched roof of the cottage that could be of 17th Century heritage. The plans are not sympathetic for this listed building.*

*There is no provision for recycling bins as required to be used by residents within NHDC area.*

*The application form details that they will not be connecting to the drainage system. Could the planning officers satisfy themselves that water run-off from the roof will not be disgorged into Church Lane leading to localised flooding at the junction with the High Street. A local resident has expressed concern on the extension being built over shared drainage and this should be satisfactorily catered for within the build process.*

*The proposed parking space will not be sufficient for the occupation of a 3 bedroom house in a rural village setting with limited public transport. Church Lane is narrow and heavily congested with parked cars due to the old cottages not having parking within their curtilage.*

*Care must be exercised in the consideration of vehicular access and highway safety for all residents.*

*In conclusion the street scene within our Conservation Area will be diminished by the loss of character of this historic building and the modifications proposed. Surrounding neighbours will be affected by a loss of residential amenity. Kimpton Parish Council is opposed to this proposal."*

3.3 **Conservation Officer** – Does not raise an objection.

3.4 **County Archaeology** - Recommend an archaeological condition for investigation works.

3.5 **Highway Authority** – Raise no objection.

#### **4.0 Planning Considerations**

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

4.1.1 No. 9 Church Lane is an end of terrace grade II listed dwellinghouse set adjacent to Church Lane and on a prominent corner of the road. The property is adjoined to No. 7 to the west, with No. 13 set to the north at the end of and adjacent to, the rear boundary of the application site. The Parish Church of St Peter and St Paul is set to the east of the site.

4.1.2 The site is located within the Kimpton Conservation Area and many properties in the locality have no on site parking, meaning the road can be congested with parked cars.

4.1.3 Applications for the same two storey rear extension were recently refused, on Highway grounds due to the unacceptability of a proposed parking space within the curtilage of the site (reason for refusal as set out above in the History section).

##### **4.2 Proposal**

4.2.1 Following these recent refusals (for planning permission and listed building consent), the parking space has been removed from the scheme.

4.2.2 The same two storey rear extension is now proposed once again, which would measure 3.3 metres in maximum depth, full width, with a hipped roof. The addition would provide for a relocated kitchen and family room at ground floor and a relocated bedroom at first floor (the property would remain as a 3 bedroom dwelling). Materials are proposed to match the existing dwelling for brickwork and roof tiles, with conservation rooflights.

#### 4.3 **Key Issues**

4.3.1 The key issues are the size and design in relation to the host listed property and to the Kimpton Conservation Area, the impact upon the living conditions of any neighbouring properties and parking provision.

##### 4.3.2 Size and design

The form, proportions and appearance of this extension have been the subject of all the previous applications. The three earlier applications were withdrawn due to objections raised in conservation and Policy 28 terms, which related to the inappropriate size and design of the extension and the subsequent adverse impact upon the character and appearance of the listed building.

4.3.3 The size at 3.3 metres maximum depth and the hipped roof design with set down ridge height, was in the most recent applications, and is now still considered to be appropriate for this property and in this prominent context on a corner of the road and with the grade I listed Church opposite the site.

4.3.4 The Conservation Officer commented that Nos.5, 7 & 9 Church Lane are, together, grade II listed and are located within the Kimpton Conservation Area. Overall, it is considered that the demolition of the rear single-storey lean-to would not harm the listed building or the conservation area and the demolition of the detached external WC building would, likewise, not harm the character or appearance of the Kimpton Conservation Area. The proposed extension would not harm the listed building's special character. After careful consideration, it is considered that the two-storey extension would not harm the setting of the listed terrace of which no.9 forms part and would not, therefore, harm the character or appearance of the Kimpton Conservation Area. Consequently, no objection is raised on the basis that the proposals will satisfy the provisions of Sections 16 and 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.

##### 4.3.5 Impact upon neighbouring property

It was previously considered to be the case and is still the view that this addition presents no issues with any overlooking of adjacent property, dominance, loss of privacy or loss of light. This is due to the addition being adjacent a rear projection of the adjoining dwelling (No. 7), which minimises any impact of dominance to this side. No. 5 has a lengthy single storey rear addition and a shallower lean-to addition adjacent to this, along the boundary with No. 7.

4.3.6 The north-westerly facing rear gardens of Nos. 5, 7 and 9 means that the neighbouring properties would not be significantly impacted by a loss of sunlight. The lowered and hipped roof form of the addition would angle the roof away from the adjacent properties and reduce bulk.

4.3.7 Privacy would be retained for the property to the rear as no rear elevation windows are proposed at first floor level, with only one rear rooflight proposed on the existing dwelling and one rooflight on the side of the proposed roof, facing west.

Outlook for the first floor bedroom would be provided via a side elevation window facing the road and church. There would therefore be no material adverse impact incurred for the residential amenity of any neighbouring property in my opinion.

#### 4.3.8 Parking provision

With regard to on-site parking provision, there is none provided at present and this proposal does not increase the bedroom number of the property, and as such the current deficiency in parking would not be worsened by the proposal. Therefore the proposal is not contrary to Policy 55 of the Local Plan.

4.3.9 Although the concerns made in the representations received are understood, given that there is a lack of off road parking for the properties along this road, the Council would not be able to sustain a reason for refusal on Highway grounds given that the property is remaining as a three bedroom dwelling.

#### 4.3.10 Archaeology

The County Archaeologist has commented that the proposed development lies within Area of Archaeological Significance no. 179, as identified in the Local Plan. This covers the historic village of Kimpton (Historic Environment Record no. 2695) which is recorded in the Domesday Book (1086) as 'Kamintone'. The medieval and later village runs along High Street with the parish church on slightly higher ground 100m north of the road.

4.3.11 9 Church Lane is Grade II listed, one of a terrace of three cottages dating to the 17<sup>th</sup> century or earlier. The building was cased in red brick in the late 18<sup>th</sup> century, but still retains many of its original fixtures and fittings, including the door and window frames, and a likely original tile roof.

4.3.12 They are of the view that this proposal should be regarded as likely to have an impact on heritage assets of archaeological interest and as such recommend that planning conditions are attached to any permission.

#### 4.3.13 Other matters

The Parish Council have also raised a concern about bin storage at the property. A side gate is proposed to access the rear garden and there is sufficient space for bins to be stored in the rear garden area.

4.3.14 With regard to water run off which was also raised, the agent has been asked to provide. At the time of writing this update has not been received but will be reported at the Committee.

### 4.4 **Conclusion**

4.4.1 Due to the history of applications at the site and the most recent refusal of planning permission being only on the grounds of the unacceptable parking space proposed within the curtilage of the site which is now removed, it is recommended that planning permission be granted. There are no objections to raise with regard to impact upon the character or appearance of the listed building, Conservation Area or upon neighbouring properties.

## **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. **A** No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

**B** The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

**C** The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition **(A)** and the provision made for analysis and publication where appropriate.

### **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.