

<u>Location:</u>	Garage Flat Chimneys Mill Lane Gosmore Hertfordshire SG4 7RL
<u>Applicant:</u>	Mrs Sylvia Adams
<u>Proposal:</u>	Change of use existing triple garage and flat above to one self-contained 2-bed dwelling including single storey side extension and alterations to fenestration.
<u>Ref. No:</u>	24/02036/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 November 2024

Reason for delay:

Committee cycles.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the objection of the Parish Council being supported by Cllr McDonnell, as set out in 8.4.5 (c) (ii) of the Council's Scheme of Delegation.

1.0 **Relevant Site History**

1.1 88/01077/1 - Erection of single storey side extension to dwelling and two storey extension to garage with formation of games room on first floor level, installation of dormer windows and provision of additional parking spaces – Approved 30/08/88.

1.2 86/01281/1 - Erection of two and single storey extensions with detached double garage – Approved 26/09/86.

Blue-edged area

1.3 20/01235/FP - Erection of one detached 3-bed dwelling – Approved 09/09/20.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP2 – Settlement Hierarchy and Spatial Distribution

SP6 – Sustainable transport
SP9 – Design and sustainability

T1 – Assessment of transport matters
T2 – Parking
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality

2.2 **National Planning Policy Framework** December 2024 (NPPF)

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places

3.0 **Representations**

3.1 **Neighbouring Properties:**

Two comments in support were received on the following grounds:

- No objection.
- My house is close and shares an entrance, and I support the development.

3.2 **Parish Council:**

St. Ippolyts Parish Council object to this planning application as overdevelopment. The Parish Council did not approve the change of use from a garage to accommodation.

3.3 **Statutory Consultees:**

3.4 Environmental Health (Noise/ Air Quality) – No objections.

3.5 Ecologist - No objections.

3.6 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large outbuilding with a pitched roof, used as a triple garage with residential accommodation above, at the front of the curtilage of dwelling Chimneys to the SE and east. Opposite the outbuilding is a new detached dwelling built following planning permission 20/01235/FP, that was on land within the curtilage of Chimneys. Hedges and fencing are on the outside of the site, with the inner parts of the site around the outbuilding being part of hardstanding serving Chimneys and the new dwelling.

4.1.2 The site is on a corner plot on Mill Road and Mill Lane and is accessed off Mill Lane. The site is in an area of residential character comprised of detached dwellings and terraced and semi-detached bungalows.

4.1.3 As indicated at 4.1.1, the existing building the subject of this proposal has a triple garage on the ground floor and residential accommodation above. The applicant in the

submitted Planning, Design and Access Statement describes this first-floor accommodation as a one bedroom self-contained flat (para.1.4), guest accommodation (para. 1.5) and annexe (para.1.9).

4.2 Proposal

4.2.1 It is proposed to change of use of the outbuilding to a detached two-bedroom dwelling, and to erect a single storey side extension on the NW side, and carry out alterations to openings on the front and rear elevations including the insertion of a front elevation canopy roof. The dwelling would be independent from Chimneys, using the existing access onto Mill Lane. Parking and bin storage would be to the front.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- Future living conditions of occupants
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The impact that the proposed development would have on trees, landscaping, and ecology.

Principle of Development:

4.3.2 The site is within Gosmore, a Category A village under Policy SP2 of the adopted Local Plan, where general development will be allowed. New residential development on the site is therefore acceptable in principle and complies with Policy SP2 of the Local Plan.

Character and appearance:

4.3.3 The building already has residential accommodation on its first floor and is near other dwellings within the existing and former curtilage of Chimneys, including a new dwelling opposite (approved under planning permission 20/01235/FP) that is not dissimilar to the outbuilding. The site is located within an established residential area. Therefore, it is considered that the proposed change of use would not be detrimental to the character and appearance of the site and locality. The size of the site as shown on the submitted Location Plan would be comparable to the new dwelling opposite and is acceptable.

4.3.4 The proposed altered openings and front entrance canopy would alter the appearance of the dwelling. However, these would be keeping with the character and appearance of the building and locality.

4.3.5 The proposed side extension would be a small addition to the building and is considered to be of an acceptable design and size. Whilst the side extension would bring the building closer to the highway Mill Lane, it would have limited visual impact due to its modest scale and height. It would also be screened to some degree by an existing boundary fence and hedge.

4.3.6 It's considered that Class A, B and E permitted development rights should be removed by condition due to the small size of the site, and proximity to public highways and nearby dwellings.

- 4.3.7 Regarding the concern raised by the Parish Council that the proposal would be overdevelopment, the proposal relates to an existing building and a modest lean-to extension is proposed. This extension and other alterations would be modest in form and scale and therefore it is considered that the proposal would not result in overdevelopment of the site. As set out elsewhere in this report, the dwelling would have acceptable living conditions, parking provision and other impacts.
- 4.3.8 In conclusion on this matter, the design of the proposal is acceptable and the development would comply with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impacts on Neighbouring Properties:

- 4.3.9 Due to the location of the site, the dwellings that could be most affected by the proposal are Chimneys to the SE, and Chimneys Cottage opposite. Dwellings Hafod and 24 - 26 Mill Lane also have the potential to be affected.
- 4.3.10 Starting with No. 24 - 26 Mill Lane, this is behind the site to the SW on the opposite side of Mill Road. The side extension would be obscured by a hedge and would be sufficiently far away to not affect that dwelling. The alterations to rear openings will be on the ground floor and will not affect No. 24-26. The two existing rear rooflights appear obscure glazed and are in any case considered sufficiently far away to not harm the privacy and amenity of No. 24-26. The amenity of No. 24-26 will not therefore be harmed.
- 4.3.11 The dwelling known as Hafod is also opposite the site, in this case to the NW opposite Mill Lane. The alterations to the front and rear of the building would be small and would not affect Hafod. The side extension would be separated from Hafod by Mill Lane and a fence and vegetation. The building has two first floor windows facing Hafod. However, these are obscure glazed and are not proposed to be changed, which will not harm amenity. The proposal would not cause harm to the living conditions of occupiers of Hafod.
- 4.3.12 Turning to the dwelling known as Chimneys to the SE, the proposed extension and alterations are on elevations of the building that would not face Chimneys, and would not affect that dwelling. An existing first floor side window that faces Chimneys serves stairs, which would remain the case following the conversion, and is not considered harmful.
- 4.3.13 The Proposed Block Plan shows a smaller plot for the dwelling than that shown on the Location Plan, with the Block Plan plot being considered to be the more likely curtilage for the new dwelling due to its larger scale used and greater site details shown.
- 4.3.14 The Block Plan does not show whether there would be any boundary treatment such as new fencing on the inside boundaries of the site, with a Planning, Design and Access Statement (PDAS) in 3.6 inferring landscaping details will be left to the applicant. It is however considered that the proposed plot on the Block Plan would be sufficiently far from Chimneys to not result in harm, including if fencing was erected – the applicant could however erect a 2m high fence/wall on the inside boundary under permitted development to serve the existing flat which would result in similar impacts should a fence/wall be put up on the proposed plot boundary.
- 4.3.15 The Existing and Proposed Block Plans show two parking spaces to the front of Chimneys near the site boundary with Mill Road. The most straightforward way to access these presently is to drive between the outbuilding and a planted 'island'. If

permission is granted, a new occupant may erect fencing or some other means of enclosure or other features that could restrict or prevent vehicular access to those parking spaces. However, the wider site is relatively large, and occupants of Chimneys would be able to park near the other side of Chimneys via an unobstructed route north of the planted island, with sufficient manoeuvring space remaining. Impacts on the amenity of Chimneys are considered acceptable.

- 4.3.16 Chimneys Cottage (CC) opposite the site to the NE is the other closest dwelling. The side extension, altered rear opening, new front canopy, and altered ground front openings are not considered harmful to CC due to their small size, by being on the ground floor, and distance from CC.
- 4.3.17 The proposed plot for the new dwelling as shown on the Proposed Block Plan includes the access and is close to the front of CC. However, parking would be achieved on site without adversely affecting parking and vehicular access to that property which is where the applicant resides.
- 4.3.18 The front elevation of the building is approx. 12.5m and 14m from the front elevation of CC. The first-floor front windows of the proposed conversion would each serve bedrooms, while presently they serve a lounge/diner and a kitchen. The Council does not have any policies or other guidance setting out minimum distances between windows. Although this distance is not dissimilar to many front-to-front distances for properties in residential areas that are close to the highway.
- 4.3.19 The area between the proposed dwelling and CC is a communal driveway and turning area, not unlike a private courtyard or drive serving multiple dwellings. In this respect, the distance between the dwellings is considered acceptable, as private areas of amenity would not be overlooked by the new dwelling. Impacts on amenity would be acceptable and the proposal would comply with Policy D3 of the Local Plan.

Future living conditions

- 4.3.20 The proposed dwelling would be considered to receive acceptable outlook, light and privacy. The size and quality of internal accommodation is considered acceptable.
- 4.3.21 The new dwelling does not include a private garden area within a means of enclosure such as a new fence. The Proposed Block Plan shows the dwelling would have access to land at the side and to its rear. The area to the rear would measure approx. 11m by 2m. The area to the side would measure approx. 9m in width, and 5m to 8.3m in depth.
- 4.3.22 The Council does not have policies requiring minimum garden sizes for new dwellings, however as the new dwelling would be small with two bedrooms. The outdoor amenity area would be adequate for future occupiers of a dwelling house of this size.
- 4.3.23 The amenity space areas are mainly of hardstanding with no additional fencing proposed. This is very similar to the recent new dwelling Chimneys Cottage opposite the site approved under 20/01235/FP. The amenity space would be afforded some privacy by vegetation and the host building. Future living conditions would be acceptable and therefore the proposal complies with Policy D1 of the Local Plan.

Highways and Parking:

- 4.3.24 The proposed dwelling would have two parking spaces, which complies with minimum standards and is acceptable. Cycles could be stored internally. Bin storage and

access to the public highway are considered acceptable, with no objections from the highways officer. The proposal complies with Policies T1 and T2 of the Local Plan.

Landscape and trees and ecology

4.3.25 There are no trees that will be affected by the proposed conversion and extensions. The site is already landscaped and managed with planting which will largely remain as existing following the works, therefore landscaping is acceptable. A condition will be imposed requiring details of new planting and potential fencing. The proposal is not subject to biodiversity net gain requirements as it would be de minimis under the BNG guidance (being development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows). The proposal complies with Policies NE2 and NE4 of the Local Plan.

4.4 Planning Balance and Conclusion

4.4.1 Under the provisions of the recently revised NPPF the Council cannot demonstrate a 5-year supply of deliverable housing land. Therefore, the tilted balance as set out in paragraph 11 (d) of the NPPF applies.

4.4.2 In the absence of adverse impact that significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF, it is recommended that planning permission be **GRANTED**.

4.5 Alternative Options

4.5.1 None identified.

4.6 Pre-Commencement Conditions

4.6.1 Not applicable.

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:

a) The following conditions and informatives:

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. Materials to be used on all external elevations and the roof of the development hereby permitted shall be similar to those of the existing building, unless otherwise approved in writing with the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. 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. To comply with Policy D1 of the Local Plan.

5. Prior to occupation, the proposed new dwelling shall incorporate an 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. To comply with Policy D4 of the Local Plan.

6. Prior to occupation of the approved dwelling, landscaping details shall be submitted to the LPA for approval and 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

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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