

ITEM NO:

Location: **8 Gun Meadow Avenue
Knebworth
Hertfordshire
SG3 6BS**

Applicant: **Mr Martin Frost**

Proposal: **Single storey side extension following demolition of
existing conservatory.**

Ref. No: 19/00151/FPH

Officer: **Heather Lai**

Date of expiry of statutory period: 18.03.2019

Reason for Delay

April committee cancelled; presentation to committee delayed due to further negotiations undertaken.

Reason for Referral to Committee

Cllr Nash called this application in (as well as the concurrent application, 19/00201/FPH), in the wider public interest and considers the proposed extensions are out of keeping with the local area.

1. Policies**1.1. District Council Local Plan No. 2 with alterations**

Policy 28: Housing Extensions
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and standards

1.2. National Planning Policy Framework

Section 12: Achieving well designed places

1.3. Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)

D1: Sustainable Design
D2: House extensions and replacement dwellings
D3: Protecting living conditions
T2: Parking

1.4. Supplementary Planning Document

Vehicle Parking at New Development September 2011

2. Site History

18/01317/FPH: Erection of pre-fabricated annexe for ancillary residential use associated with main dwelling. Approved.

18/03154/FPH: Erection of pre-fabricated annexe for ancillary residential use associated with main dwelling. Approved.

19/00201/FPH: Insertion of front and rear dormer windows to facilitate loft conversion. To be considered by committee (recommendation approval)

3. Representations

Local residents:

Nine objections

- Fourth application at site; 3 applications put in at separate times, feels like an attempt to distract from the overall level of development and slip applications through
- Is overdevelopment; not much remaining garden space and might have an impact on property prices in the Avenue
- Concurrent application proposal (for roof extensions) not shown on block plan
- Annex does not appear on block plans
- Annex is very visible from surrounding dwellings and has impacted views, it has a bright red roof which is out of keeping with the area. Concerned this development could be the same and will be very dominant and out of keeping with the character of the area/streetscene.
- Will result in a loss of outlook (views) from surrounding dwellings
- With annex, dormer and side extension, will appear very dominant to rear boundary, resulting in loss of privacy and an increased sense of enclosure to properties to the rear. This is not clearly shown on plans.
- Large annex has already been built, and was not built according to the original permission, concerned these ones will not be either
- If the amount of development proposed is necessary, why did the applicants not buy a different property
- Gun Meadow Avenue is a private road, the current development is having an impact on the character of the area in terms in terms of the disruption. Concerned about access and parking arrangements at the site during construction period and the positioning of skips – Gun Meadow Avenue is a small, private, gravelled road. Also who is responsible for paying to damage done to the road?
- Side boundary of the side extension will adjoin the fencing to the public footpath; are they allowed to do this?
- 3m high wall next to this footpath will change outlook from surrounding properties, will result in a visual impact from (along) footpath; will make footpath darker and will attract antisocial behaviour
- Will footpath be closed while works are undertaken?
- Footpath is not shown on plans for either application.
- Concerned there is sewerage/drains under the footpath, concerned about impact of these if the area is dug out to create foundations for the side extension; should consult Thames Water before any planning decision
- Extension may also cause flooding at the bottom of the Avenue
- Concerned that the guttering will overhang the footpath and flood onto there
- Any windows overlooking neighbouring dwellings should be obscure glazed

Ward Councillors:

Cllr Nash originally called the application in (as well as the concurrent application, 19/00201/FPH), in the wider public interest considering the proposed extensions are out of keeping with the local area.

Parish Council:

Object on the following grounds:

It is overdevelopment of the site, taking into account other recent planning applications for this property.

The side wall is on the boundary, with the gutter overhanging the narrow public footpath.

4. Planning Considerations**4.1. Site and Surroundings**

4.1.1. The application site is a mid-20th Century bungalow which is located at the end of a private cul-de-sac. It is unlisted and located outside a conservation area.

4.2. Proposal

4.2.1. The application seeks planning permission for the erection of a single storey side extension following the demolition of the existing conservatory.

4.3. Key Issues**4.4. Design:**

4.4.1. Policy D2 of the emerging Local Plan states that planning permission for house extensions will be granted where the extension is sympathetic to the existing house in height, form, proportions, roof type, window details, and materials and the orientation of the main dwelling...and spacing between buildings ensures there is no harm to the character and appearance of the streetscene.

4.4.2. While the proposed single storey extension is of a significant size, measuring 9.1m in length and 6.15m in width at its widest point (to the rear of the dwelling), it remains subservient to the host building. It is single storey with a flat roof and to be finished in materials to match the host building. Owing to the shape of the plot, there will be limited visibility of the extension from the front elevation/street scene, or indeed private views. It is set in from the front and rear boundaries and will not have a terracing affect, owing to the relationship to the adjacent dwellings, 7 and 9.

4.4.3. While I note the objection regarding the visual impact from the adjacent public footpath, the erection of a 3m high extension is of an acceptable (and reasonable) height, and would be viewed the way any domestic elevational wall would be when close to a boundary. Having considered the existing amenity value of the public footpath, the side boundary of the proposed extension will not result in a detrimental impact to this.

4.4.4. I note the objections on the grounds of overdevelopment of the site, including that the annex has recently been granted permission and built, and the size of the garden/plot. Guideline 8 of Policy 57 of the saved Local Plan states that rear gardens should be an average size of 75m². The previously developed annex, and the single storey side extension would leave a rear/side garden space of 80m², in excess of the prescribed amount. Therefore, the proposed single storey side extension does not constitute overdevelopment of the site.

- 4.4.5. The previously approved rear annex, and the proposed dormer roof extensions have been considered for the cumulative impact, and it is considered the proposed developments (individually and cumulatively) do not constitute overdevelopment of the site, and accord with Policies 28 and 57 of the saved Local Plan and Policy D2 of the emerging Local Plan.
- 4.4.6. The objections regarding the design and planning history to the annex are noted, however apart from considering the annex in the context of further development, eg the overall design and level of development on site, it will not be further considered as part of the current application. The annex has already been considered, and given permission twice and therefore any objections to that are not relevant to the current application(s).
- 4.4.7. The proposal is acceptable in design terms; it is of an appropriate scale and detailed design and does not constitute overdevelopment, individually or cumulatively.

4.5. **Amenity:**

- 4.5.1. The application site is on a private road, and the dwelling is set back from its front boundary by 4.2m. Owing to the shape of the cul-de-sac, the application site is at a slight angle to the two adjoining dwellings (7 and 9).
- 4.5.2. The closest dwelling to the proposed extension is no. 9, to the east. The dwelling at this property is set back from the side boundary of the application site by 5m and owing to no. 9 being positioned forward on its plot, the side extension will predominantly be located beyond the rear building line of no. 9. Therefore there will not be a loss of light or increased sense of enclosure; the footpath is located between the dwellings.
- 4.5.3. There are no front or side elevation windows proposed to the side extension; the only fenestration will be a rooflight and bifolding doors to the rear. While I am unclear about whether the request for obscure glazing facing no. 9 refers to the side or roof extensions, given the lack of fenestration to this elevation and the front elevation, there will not be a loss of privacy to this dwelling or properties in any other direction.
- 4.5.4. There is a distance of 30m from the rear wall of the closest property to the rear (The Elms) and the rear boundary wall of the application site, and a distance of 39m between the rear wall of The Elms and the rear wall of the application dwelling. The rear facing fenestration to the proposed extension will therefore be more than 40m from The Elms and will be positioned below the height of the rear boundary fence. Therefore the proposed side extension will not result in a material loss of privacy for dwellings to the rear and is acceptable in amenity terms.
- 4.5.5. I note the objection from The Elms to both proposed applications, which states the extensions will result in an increased sense of enclosure and loss of privacy. Given the scale of the proposed roof and side extensions, which are both set well back from the rear boundary and the scale of the rear garden to The Elms, the proposals will not result in a material loss of amenity for this residence, either loss of privacy or increased sense of enclosure. Furthermore, there appear to be a number of outbuildings to the rear garden of The Elms, further obscuring views to/from the application site.
- 4.5.6. The proposal is acceptable in amenity terms, it will maintain a neighbourly relationship with the closest surrounding dwellings and accords with Policy D3 of the emerging Local Plan.

4.6. **Car parking:**

- 4.6.1. The application is for an extension to an existing dwelling house which has sufficient off street parking at the application site. Policy T2 and Appendix 4 of the emerging Local Plan, as well as the Vehicle Parking SPD require at least 2 off street parking spaces for new residential developments. The application relates to an existing residential dwelling with in excess of 2 spaces therefore the proposal does not trigger the requirement for additional parking.
- 4.6.2. Gun Meadow Avenue is a private road and therefore any impacts to the road are a private matter, and cannot be considered as part of the planning application. This includes transport and parking arrangements for development works and placement of skips and materials.

4.7. **Other:**

- 4.7.1. A number of non-planning issues have been raised that for the sake of completeness I have covered off below.
- 4.7.2. I note the objections regarding the built direction of the annex, however this was considered under a separate application that does not relate to the existing ones, nor should it bias the current applications. If there are issues relating to the current proposals not being built according to the approved drawings, these would have to be considered-on their own merits in the instance of that occurring.
- 4.7.3. I note the objections that state the existing annex is not shown on block plan. While the original block plans did not represent this, I requested amended plans from the agent during the course of the application which have been publicly available. The block plans should have shown this detail as the annex has been substantially implemented, however given the concurrent application (for roof extensions) is currently being considered, and has not been erected this should not be shown on plan. In addition, the applicants are welcome to submit applications to deal with proposals together or separately. Given the three applications were to consider different developments to different parts of the dwelling it is a common occurrence for these to be dealt with as separate planning applications.
- 4.7.4. I note also the statement that the footpath was not shown on the plans for either application. The site location plan clearly shows the footpath, and while its inclusion on the floor plans would have been helpful, this is not a requirement. The plans are accurately scaled and accurately show the situation at the application site. This is sufficient for a householder extension application.
- 4.7.5. The proposed side extension will be built up to-but not over the boundary of no.8. This includes the drainage to the extension; the architect has confirmed this would be inside the demise of the property and will drain inside the property.
- 4.7.6. Drainage and utilities issues are not a planning consideration in this context and therefore the concerns about the drainpipe, underground sewerage/mains and flooding cannot be further considered as part of an application for a residential extension. If there are underground sewerage or mains pipes that will be affected, this is a matter for the applicant to discuss and agree with the appropriate utilities company. Furthermore, I do not consider the erection of a single storey side extension of this scale will result in significant flooding/drainage issues; the site is not within Flood Zone 2 or 3. If neighbours are concerned they should discuss this with the Lead Local Flood Authority (HCC).

- 4.7.7. I note the concerns regarding the public footpath, namely that it will become darker and the extension will attract antisocial behaviour. The existing footpath is very narrow, however footpaths are not protected from loss of light as residential dwellings are. There is existing boundary treatment along this footpath as well as significant vegetation. I do not consider the erection of a 3m high domestic extension would result in such a detrimental effect to users of the path to justify refusing this application. Furthermore, while planning applications consider issues of designing out crime, a residential extension is unlikely to result in a material increase in activities of anti social behaviour. If criminal behaviour affected the application property, this is a matter for them to take to the Police.
- 4.7.8. Regarding the closure of the footpath, I would expect any works would be undertaken within the demise of the application property, however if there is a necessity for closing the footpath, the applicants would be required to get the relevant permission from HCC who are the statutory authority responsible for this public footpath.
- 4.7.9. Views and outlook from residential dwellings are not protected features in planning. The fact that the extensions can be seen from private views, or may restrict views is not a material planning consideration.
- 4.7.10. Property values are not a material planning consideration.
- 4.7.11. The comments about the applicants purchasing then extending the house are not relevant to the planning application. The Council declines to respond to these comments which appear to relate to a neighbour dispute.

4.8. **Conclusion**

- 4.8.1. The relevant planning considerations for this application are design, amenity and vehicle parking arrangements. As demonstrated above, the proposal accords in policy terms on these grounds. The proposal-individually or cumulatively will not result in overdevelopment of the site. The proposal is acceptable in planning terms and is therefore recommended for approval.

4.9. **Pre-Commencement Conditions**

- 4.9.1. Not required.

5. **Recommendation**

- 5.1 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.

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.