

<b>ITEM NO:</b>	<u>Location:</u>	<b>11 Royal Oak Lane Pirton Hitchin Hertfordshire SG5 3QT</b>
	<u>Applicant:</u>	<b>Mr Gammell</b>
	<u>Proposal:</u>	<b>Erection of one 3-bed dwelling; partial demolition and reconfiguration of existing dwelling to facilitate new vehicular access and driveway to serve detached 3-bed dwelling in rear garden.</b>
	<u>Ref. No:</u>	19/00317/FP
	<u>Officer:</u>	<b>Kate Poyser</b>

**Date of expiry of statutory period:** 15.04.2019

1.0 **Site History**

- 1.1 18/00238/PRE Erection of one 3-bed single storey dwelling.
- 1.2 93/00474/1HH Single storey rear extension.

2.0 **Policies**

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

Policy 6 – Rural areas beyond the Green Belt  
 Policy 7 – Selected villages beyond 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 **Pirton Neighbourhood Plan** – made on 27<sup>th</sup> April 2018 and now forms part of the Development Plan.

Policy PNP 1 – Meeting Local and Wider Needs  
 Policy PNP 2 – Design and Character  
 Policy PNP 8 – Heritage Assets and Archaeological Heritage

2.3 **National Planning Policy Framework**

In general and with regard to:  
 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 12 – Achieving well-designed places  
 Section 16 – Conserving and enhancing the historic environment

## 2.4 **Emerging Local Plan 2011 – 2031**

The current progress is that the Inspector's Main Modifications have been publicised.

Policy SP2 – Settlement hierarchy  
Policy T1 – Assessment of transport matters  
Policy T2 – Parking  
Policy HS5 – Accessible and adaptable housing  
Policy D1 – Sustainable Design  
Policy D3 – Protecting living conditions  
Policy HE1 – Designated heritage assets  
Policy HE4 – Archaeology

## 3.0 **Representations**

3.1 **Highway Authority** – raise no objections subject to conditions requiring a Construction Management Plan and accessibility of emergency vehicles

3.2 **County Archaeologist** - ... "The applicant's statement recommends a programme of archaeological work to take place post consent, but (mainly) prior to any development taking place. In this instance we are largely in agreement with its recommendations. I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:..."

3.3 **Environmental Health (contamination)** – has no objections to the proposal.

3.4 **Pirton Parish Council** – support the proposed development and the full comments are attached as an appendix to this Item.

3.5 **Pirton NP Steering Group** – "Thank you for the opportunity to comment on this application. We will limit our comments to Pirton Neighbourhood Plan issues and policies.

PNP1:

The proposal for one new dwelling is within Pirton's development boundary, has regard to the needs of older residents and is akin to a "self-build"; these elements meet PNP1. The remodelled 11 Royal Oak Lane (ROL) becomes a modest 3- bedroom family home, and so has regard to the needs of young families, again in keeping with PNP1.

PNP2:

2.1 requires residential development to recognise and respect the distinct character of the location. There is a mix of dates and styles of properties in ROL which is a key feature of this part of Pirton and we think that this development this will add to it. The design demon states tremendous innovation in design, and will make an exciting contribution to the variety of architectural design across Pirton. The whole plot is outside of the conservation area, although opposite it; there will be no adverse impact from the new build as it is not seen from the street. The impact on nearby listed buildings is likely to be slight, given that the front building remains (albeit altered) and the new build is deliberately designed for minimal impact and lies behind the front building; both respond positively to existing height scale and character.

2.3 We believe that the density of building "on plot" will be approximately 16dph, higher than the dph for ROL as a whole. However, we do not think that one new dwelling will adversely affect the density of the street taken as a whole.

2.10 Lighting: care will need to be taken that any external lighting does not adversely impact on neighbouring properties.

PNP3 Extensions:

The PNP does not address in full this type of development. An analogy is with the policy on "extensions". However,

3.2. The scale, height and roof form are complementary to the host building and the character of the street scene.

3.3. The building will be constructed of materials that are sensitive and complementary to the host building.

3.4. The spacing between buildings respects the character of the street scene.

3.5. Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

3.6. The dwelling continues to meet the parking standards of PNP 13.

PNP4.

4.2 The proposals will retain the existing high boundary hedges.

4.4 Much of the proposed landscaping forms part of the innovative design (living wall etc).

PNP5.

5.1 The garden pond will be retained. We understand that this attracts frogs and newts and other wildlife.

5.3 As noted above, the existing Yew Hedge will be retained, as will the hedging that marks the boundary with neighbours.

PNP 8.

8.2 We note the pre-application archaeology work and report and we note that it expects there to be a condition in compliance with PNP8.

8.1 As noted above, we do not expect any change to the impact on nearby Heritage Assets (listed buildings).

PNP11: Whilst not seeing any Highways report, we believe it will be perfectly possible to construct a safe access on to and from ROL. There is, we understand, sufficient space on both plots for vehicles to turn (on plot) so as to exit in forward motion. Also, access from/to footpath along to Cromwell Road and in to High Street, provides safe pedestrian access to the new build.

PNP13:

13.1 The parking arrangements meet PNP13

Pirton Village Character Assessment: The new build does not meet all of the detailed design features within the CA, because this is an innovative design/concept unlike anything in Pirton, and as such should be encouraged. It is also environmentally sound in design. Overall, this would be a welcome relief from the somewhat bland and predictable architecture of much new development including that at the Cala Homes site."

3.6 **Local Residents** – letters of objection have been received from the occupiers of 6 and 8 Bunyan Close and a letter of support from 10 Cromwell Way. The reasons for objection are as follows:

- ☐ Disagree with a statement made that “Building in the garden is not novel to ROL or indeed, to many places in Pirton”;
- ☐ Concern expressed about the height of an existing hedge to the rear garden;
- ☐ Concern at possible loss of privacy, particularly from proposed terrace;
- ☐ Inappropriate back garden development;

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

11 Royal Oak Lane is a detached bungalow with roof lights to provide some first floor accommodation. It is located in the southern half of the street, approximately 110 metres from the junction with the High Street. Much of the southern half of Royal Oak Lane lies within Pirton Conservation Area, but this property is one of a group of 6 properties not within its boundary. The Conservation Area does, however, cover the grass verge that lies between 11 Royal Oak Lane and the carriageway, and runs along the front of several properties. There is no footway here. Royal Oak Lane has a wide variety of housing types and styles, although most at this end of the street are detached, many on good sized plots.

##### 4.2 **Proposal**

4.2.1 The proposal is to build a bungalow in the rear garden of 11 Royal Oak Lane. The existing property boundary would be divided to provide two separate curtilages. In order to provide a vehicular access to the new plot, part of the existing bungalow would be demolished to create a gap large enough for an additional driveway leading to the rear of the site. The dwelling would appear single storey, although an additional half level would be accommodated partly at basement level and partly beneath a raised garden terrace. It would measure just over 4 metres high to the ridge. It would provide two bedrooms and a bathroom at basement level, with stairs and a lift up to ground level, which would accommodate a further bedroom/study, shower room, utility room, kitchen/dining room and a living room. It would be a timber framed building clad in Larch with a slate roof.

##### 4.3 **Key Issues**

4.3.1 The key planning considerations relate to:

- ☐ The principle of the development;
- ☐ The effect on the character of the locality including adjacent Conservation Area;
- ☐ Living conditions of neighbours and future occupiers;
- ☐ Any highway/parking matters.

#### 4.3.2 Principle of the Development

Pirton is a Selected Village in the rural area beyond the Green Belt in the current local plan, NHDLP No.2 with Alterations. In the Emerging Local Plan 2011 - 2031 it is a Category A settlement where general development will be allowed within the defined settlement boundary. The site does fall within the settlement boundary. I can, therefore, see no objections in the general principle to such development.

#### 4.3.3 Character of the Locality

Pirton is described in the Neighbourhood Plan as having a rural character and a diversity of dwellings. Royal Oak Lane runs northeast from the High Street and is without a footway. The layout of dwellings in the lane is described in the Pirton Neighbourhood Development Plan – character assessment as;

*“Mostly well set back, open front garden, save for a few older houses that more closely cling to side of the road.”*

Houses here are mostly of a brick or render finish.

- 4.3.4 11 Royal Oak Lane is set well back from the road and is one of a small group of houses that has a wide grass verge between the front property boundary and the carriageway – no footway here. Whilst No. 11 and the other dwellings in this group, do not lie within Pirton Conservation Area, this grass verge and houses on the opposite side of the lane do. The Conservation Area boundary, therefore, extends up to the front boundary of the application site. I, therefore, consider it relevant to take into account any effect the development may have on the character and appearance of the Conservation Area.

- 4.3.5 The new building itself, due to its low height and back- land position, would have little impact on the street scene of Royal Oak Lane. However, the most immediately obvious impact of the development on the appearance of the lane would be the creation of a new vehicular access across the grass verge. I consider the grass verge to have a positive effect on the Conservation Area and that the introduction of a further, hard surfaced driveway across it would be harmful to the appearance of this part of the Conservation Area.

#### 4.3.6 Pattern of Development

Royal Oak Lane has a variety of dwelling types and designs, although most are detached. There is some variation of plot size, although large plots are more typical. The applicant has referred to other similar development in the street, but has not specified where. I note that there has been a residential development of three detached houses – 36, 38 and 40 Royal Oak Lane, granted permission under LPA reference No. 03/01278/1. However this is a much larger site and I would not consider the proposed development to be comparable. There is also new dwelling on land to the rear of Nos. 18 and 20, formerly occupied by chicken sheds. Again, I do not consider the circumstances of this case to be comparable to the current application.

- 4.3.7 The proposed development is back- land development and this is discouraged in the NPPF, para 70 *“Plans should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”*

- 4.3.8 Policy PNP 2 – Design and Character of the Pirton Neighbourhood Plan requires residential development to  
*“Recognise, respect and reinforce the distinct local, rural character of both Pirton Village and Parish (as set out in the Character Assessment at Evidence Base 1) in relation to height, scale, spacing, layout, orientation, design detail, and building materials, with particular consideration given to these elements reflected in dwellings in the immediate vicinity of the proposed development. This should be particularly reflected in areas of high heritage value. Proposals for development that fail to respect this Policy will be refused unless there are special circumstances of an architectural nature that demonstrate innovation in design without impacting adversely on the character and appearance of the area.”* Also, the policy requires the density of any scheme to be consistent and compatible with the existing.
- 4.3.9 The applicant acknowledges that the density of the site would be greater than the existing average in the street. The partly underground basement level with planted terrace, whilst of some architectural interest, seems to me to be designed to mitigate the small garden space that would otherwise be provided.
- 4.3.10 The fact that part of the existing bungalow has to be demolished to allow for an access to the proposed dwelling makes this a contrived layout and I feel that this is how it is likely to be read in the street scene. Also, the design of the dwelling is arrived at in an attempt to minimise its impact on the area. With its low height, timber cladding and slate roof, it suggests that this would have a subordinate roll to the existing bungalow, such as an annex or ancillary building, rather than being a dwelling in its own right. This in my view leads to a contrived scheme in an attempt to address an overdevelopment of a plot.
- 4.3.11 The applicant makes reference to the proposed boundary dividing the existing bungalow from the proposed bungalow, as continuing an existing boundary line between properties in Royal Oak Lane and Bunyan Close. Bunyan Close and Cromwell Way is a planned residential estate to the rear of the High Street and Royal Oak Lane. The application site would be sandwiched between the rear gardens of properties in Bunyan Close and 11 Royal Oak Lane, without any road frontage. It is noted that there is a footpath running between the application site and the rear boundaries of properties in Bunyan Close. The application site would also lie to the side of 12 Bunyan Close. However, 12 Bunyan Close has a site frontage to Bunyan Close, whereas the application site does not. I consider that the proposed development would not follow the pattern of development in Bunyan Close either.
- 4.3.12 Overall, whilst the bungalow itself is not without some architectural interest, in this particular location the development would be contrary to the pattern of development in Royal Oak Lane, due to the small size of the site, the rear garden location, the design and external materials and the introduction of an additional driveway resulting in the loss of the pleasant swath of grass to the front of properties in this part of the lane. Furthermore, the development may set an undesirable precedent for similar such back land development, particularly as 7 and 9 Royal Oak Lane have similar plots, with the deep green verge running across the front. The architectural design of the dwelling is not of sufficient outstanding quality to overcome these objections to the scheme.

#### 4.3.13 Living Conditions

The proposed property would essentially be single storey and there is unlikely to be a significant loss of privacy to neighbouring properties resulting from the windows or roof lights. The proposed terrace above the partially sunken basement would allow views over the 1.8 metre fence to the rear garden of 9 Royal Oak Lane. However, the dwelling would be over 40 metres to the rear elevation of that property and I consider a significant loss of privacy would not be caused.

4.3.14 It is noted that the new driveway would abut the side boundary of the altered existing property. This would result in some general noise and disturbance being caused to the existing occupiers. However, taking into account that this is just one dwelling, I feel that the loss of residential amenity would not be such as to justify a reason for refusal.

4.3.15 There is an existing high Yew hedge to the rear boundary of 11 and 9 Royal Oak Lane, which, together with the angle of properties, would prevent a significant loss of privacy to properties in Bunyan Close. The distance to properties in Cromwell Way are such that no significant loss of privacy would be caused to these properties.

#### 4.3.16 Highway/Parking Matters

The new vehicular access would meet visibility standards and the highway authority raises no objections. 3 car parking spaces are proposed within the site to serve the new dwelling, which meets current parking standards. Sufficient parking facilities would remain at the existing bungalow.

#### 4.3.17 Sustainability

The proposed development lies within the village development boundary of Pirton in both the existing and emerging local plans. The development would support and be supported by existing services and facilities within the village. I can see no sustainable objection in terms of social, economic and environmental sustainability.

### 4.4 **Conclusion**

The proposed development, due to its back garden location and the additional driveway over a grass amenity verge, would be contrary to the pattern of development in the area and cause harm to the historic asset of Pirton Conservation Area.

### 4.5 **Alternative Options**

None applicable, as amendments to the scheme would not overcome the objections.

### 4.6 **Pre-Commencement Conditions**

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 **REFUSED** for the following reasons:

1. The proposed new dwelling would be back-land development with a curtilage smaller than average for properties in Royal Oak Lane, as such it would fail to relate well to its site and surroundings and to the established character and appearance of the area. Also, the proposed creation of a new vehicular access across a green amenity strip that runs to the front of the group of houses would be harmful to Pirton Conservation Area of which this part of the scheme would lie within. Furthermore, the development would set an undesirable precedent for similar such development in the locality. The development would, therefore, be contrary to the North Hertfordshire District Local Plan No. 2 with Alterations, Policy 57 - Residential Guidelines and Standards; the National Planning Policy Framework, Section 5 - Delivering a sufficient supply of homes, paragraph 70, Section 12 - Achieving well-designed places, paragraphs 127 and 130, Section 16 - Conserving and enhancing the historic environment; Pirton Neighbourhood Plan, Policy PNP 2 - Design and Character; and the Emerging Local Plan 2011 - 2031, Policy D1 - Sustainable design and Policy HE1 - Designated heritage assets.

### **Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.