

ITEM NO:

<u>Location:</u>	80 Ashwell Street Ashwell Baldock Hertfordshire SG7 5QU
<u>Applicant:</u>	Mr & Mrs Dan Huggins
<u>Proposal:</u>	Two storey side extension, single storey rear extension, demolition of existing garage and front porch extension, with ancillary works
<u>Ref. No:</u>	19/01379/FPH
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 05.08.2019

Reason for referral to Committee

The Ward Councillor has 'called in' the application for the following reasons: *"I would like to call this in to the Committee for the reason that the steep gradient of the site means that the planned rear extension would have an unacceptable impact on the neighbour. The parish council feels that the applicant's objective could still be met if the rear extension were stepped down to take account of the slope."*

1.0 Site History

1.1 None

2.0 Representations**2.1 Ashwell Parish Council**

"Please see the extract from the planning meeting minutes on 3rd July 2019 below in which the Parish Council recommend that permission be REFUSED. Item 02.

Consultation no.2019/02 NHDC Case Ref. 19/01379/FPH. 80 Ashwell Street Full permission Householder: Two storey side extension, single storey rear extension, demolition of existing garage and front porch extension, with ancillary works.

Members of the public present: One.

Parish councillors expressed the following concerns:

- Increase in size. The proposals would increase the house from 2 to 4 bedrooms.*
- Height and mass. The increase in size would result in over-development of the site and have a significant impact on neighbours. Whilst the extension to the side was deemed to be acceptable the dimensions of the*

rear extension were felt to be too great. The height and length of the rear extension would impact the adjoining house adversely particularly when taking into account the aspect and the slope of the land.

- *Parking. Whilst the proposals included two parking spaces, one was a garage and concern was expressed that this would be used for storage not parking.*

It was resolved that a recommendation be made to the NHDC Planning Officer that permission be refused on the grounds of the concerns expressed (vote - all in favour)."

2.2 **Neighbours/site publicity** – No comments received

2.3 **Access Officer, Countryside & Rights of Way Service, Hertfordshire County Council** – No objections on condition that we have advance detail on drainage and a Construction Phase Plan.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

The property is an end of terrace house on the north side of Ashwell Street. There is a public footpath running alongside the west boundary of the site

3.2 **Proposal**

The proposal is for a two storey side extension, single storey rear extension the full width of the existing house and the two storey side extension, and front porch extension with ancillary works. The proposed works would involve the demolition of the existing garage.

3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

- 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.
- The impact that the proposed development would have on car parking provision in the area.
- The impact the proposal would have on the adjacent public footpath.

3.3.2 The proposed extensions would be acceptable in design in relation to the host dwelling and would not have an adverse impact on the character and appearance of the area. Whilst the proposed extensions would represent a substantial increase in the size of the property, in my view this would not be a sustainable reason to withhold planning permission. The proposed two storey side extension and single storey extension to the rear would extend up to the public footpath and would have a slightly angled side wall to take into account the boundary; however the proposal is considered to be acceptable in visual terms. Given that the application site is separated from the neighbouring property, no. 82 Ashwell Street, by the footpath and no. 82 is set considerably further back from the road, there is no risk of a terracing effect. Therefore, there is no objection to not retaining a 1m gap to the side boundary at first floor level in this instance. The proposed porch would be acceptable in design in the

street scene and would not have any adverse impact on neighbouring properties. Matching materials are proposed and given the property is not within a Conservation Area, I have not recommended a condition that samples of materials be submitted and approved.

- 3.3.3 I note the concern raised by the Parish Council and Ward Councillor with regard to the impact on the adjoining neighbouring property, no. 78 Ashwell Street. The properties have steep rear gardens and the neighbouring property has a small single storey rear extension on the far side of the property, which is stepped down from the floor level of the main house. As such the proposed rear extension would have some built impact on the neighbouring property. However, it is considered that the proposal would not result in a material loss of daylight or sunlight to the adjoining property and would not be unduly dominant in the outlook they currently enjoy. It is necessary to be mindful of the fall back position of what could be built as 'permitted development'. The proposed single storey element of the development would be approximately 3.28m in depth by 4.2m in height at its highest point. A single storey rear extension 3m in depth and 4m in height could be built without planning permission (to the rear of the existing house). It is considered that it would not be reasonable to request that the extension be stepped down, as this would create a split level internal space. Amended plans were requested and submitted, which show screening approximately 1.8m in height from the floor level of the deck on the boundary to protect the privacy of the adjoining property. A condition is recommended to ensure that this screen is implemented and retained. The rear windows and deck area would then only afford angled views down the rear garden and it is concluded would not result in a material loss of privacy to the adjoining property.
- 3.3.4 As the properties are staggered, the proposed two storey side and single storey rear extension would be sited in front of the front wall of no. 82 Ashwell Street. However, it is considered that the proposal would be sufficient distance from no. 82 not to be unduly dominant in the outlook they currently enjoy. It is concluded that the proposal would not result in a material loss of privacy to no. 82.
- 3.3.5 As such it is considered that the proposed extensions would comply with Saved Local Plan Policies 28 and 57 and Emerging Local Plan Policies D1, D2 and D3.
- 3.3.6 The proposed extensions would increase the number of bedrooms from two to four. The Supplementary Planning Document: Vehicle Parking at New Developments requires two parking spaces for a property with two or more bedrooms. The proposed development would provide a garage and one parking space on the drive. Therefore the proposal would comply with these standards. Whilst I note the Parish Council's concern that the garage may not be used for parking; it is considered that lack of parking would not be a sustainable reason for refusal in this location.
- 3.3.7 Ashwell Public Footpath 9 runs adjacent to the western boundary of the site. As such the Access Officer, Hertfordshire County Council, was consulted and her comments were sent to the agent for the application. Following discussions drainage details were shown on the plan which provide the necessary assurance that drainage would not be directed onto the footpath and the Access Officer has recommended the condition and informative set out below. Subject to these the proposal should not have an adverse impact on the public footpath. It is understood that the hedge is to be removed and that the intention is that the side extension would be built from the footpath. The Access Officer has made the agent for the application aware that with regard to undertaking building works from the Public Footpath, the Countryside and Rights of Way Service would require further details and it is likely that the contractor or owner

would need to apply to Hertfordshire County Council, Highways for a Scaffolding licence and the Countryside and Rights of Way Service, for a TTRO, (Temporary Traffic Regulation Order,) which would if accepted temporarily close the footpath. This would be required if the route cannot be kept open, available and safe for footpath users.

4.0 Conclusion

4.1 It is concluded that the proposed development would not have an adverse impact on the character of the area or the living conditions of neighbouring properties. The proposed development would provide sufficient off-road parking and would not have an adverse impact on the public footpath. As such there are no sustainable reasons to refuse planning permission.

4.2 Alternative Options

None applicable

4.3 Pre-Commencement Conditions

The applicant is in agreement with the pre-commencement conditions that are proposed.

4.4 Environmental Implications

The proposal would not have any adverse environmental impacts.

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. Prior to the commencement of development a Construction Phase Plan (CDM Regulations 2015) showing how the building work would be undertaken, with regard to keeping those using the footpath, safe from construction activity shall be submitted and approved in writing by the Local Planning Authority in consultation with the Countryside and Rights of Way Team, Hertfordshire County Council. The building work shall be carried out in compliance with the Construction Phase Plan.

Reason: To ensure that the public right of way is not adversely affected by the proposed works.

4. The proposed 1.8m high screen on the east side of the deck area (as shown on the approved plans P002D) shall be erected prior to first use of the deck area and shall be permanently maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the neighbouring property.

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:

It is expected that all building work takes place from the development plot. If this is not the case Hertfordshire County Council need proposals of any "off plot" access to the footpath that the developer may wish to apply for, for their consideration. The extent of the footpath would be considered to be the middle of the existing hedge. The development would need to be, within the hedge or if the hedge is to be removed then to location of the middle of the hedge. No part of the extension should overhang this footpath boundary.