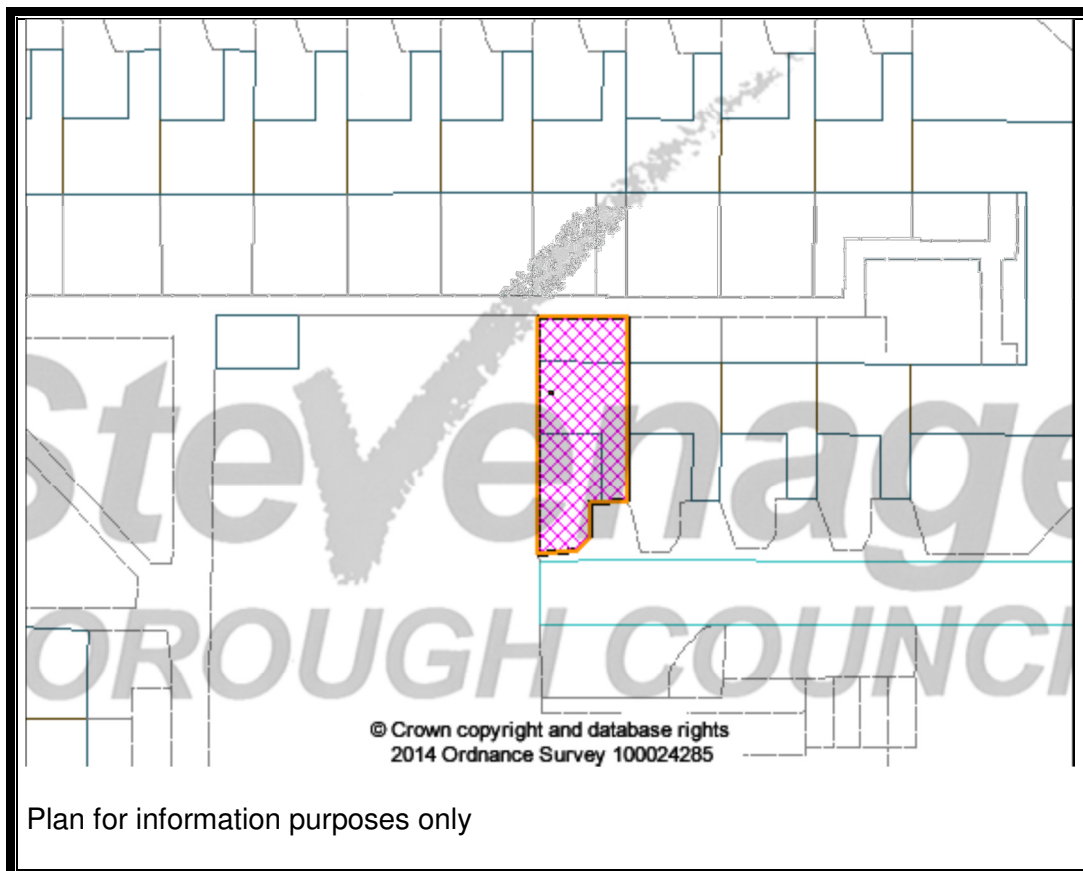


Meeting: Planning and Development Committee **Agenda Item:** 5
Date: 23 June 2015
Author: Rebecca Elliott 01438 242836
Lead Officer: Paul Pinkney 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

Application No:	15/00173/FP
Location:	298 Jessop Road, Stevenage
Proposal:	Change of use of public amenity land to private residential land and retention of picket fence.
Drawing Nos.:	Site location plan.
Applicant:	Mrs Julie Truett
Date Valid:	30 March 2015
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is 298 Jessop Road, an end of terrace dwelling located on the western side of Jessop Road. The property faces north onto a pedestrian footpath and areas of amenity and front gardens. The 'Radburn' style property has vehicular access to the south of the property off a small side arm on the western side of Jessop Road. A large area of open space adjoins the site to the west and south west. The parcel of land seeking the change of use is a small piece of amenity land immediately to the north of the dwelling, currently maintained and enclosed as the front garden of the property.

2. RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history for the site

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the change of use of an area of existing amenity land (measuring approximately 30 square metres) to residential curtilage and the retention of a 1m high picket fence.
- 3.2 The land lies immediately adjacent the front of the dwelling, currently being maintained as the front garden of the property. The land is enclosed by an existing 1m high picket fence around the side and northern boundaries. The land forms a rectangular shape to the immediate frontage of No.298. Similar 'front garden' areas are visible along the frontages of the neighbouring properties and those located opposite, to the north.
- 3.3 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council and an objection has been received against the proposal.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letter to the immediately adjoining premises and a site notice posted on a lamp post to the north of the site on the northern side of the footpath serving this area of properties. The objection raised concerns over the impact of the enclosure of the land on the outlook of neighbouring properties, suggesting a high enclosure would make the neighbour feel 'closed-in'.

5. CONSULTATIONS

- 5.1 None required

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014)
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)
- The Stevenage District Plan Second Review 2004.

The former Stevenage Draft Core Strategy and Development Management Policies were withdrawn on 1st February 2012. However, the Site Specific Policies Plan, the Old Town Area Action Plan and the Gunnels Wood Area Action Plan have all been approved locally by the Council's executive as material considerations in the determination of planning applications and continue to be used for Development Management purposes. Additionally, the Council's Interim Planning Policy Statement adopted in April 2012 is a material consideration in the determination of planning applications registered on or after the 18 April 2012.

- 6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.
- 6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

6.2 Central Government Advice

- 6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF advice in the National Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted District Plan

- TW2 Structural Open Space
- TW8 Environmental Safeguards
- TW9 Quality of Design

7 APPRAISAL

7.1 The main issue for consideration in the determination of this application is the impact of the loss of the amenity land on the character and appearance of the area.

7.2 Loss of Amenity Land and its Impact upon the Character and Appearance of the Area

7.2.1 The land the subject of the change of use is currently in the ownership of the Borough Council and constitutes a small informal piece of open space as defined by policy TW2 of the Local Plan. Policy TW2 states that development proposals which have an unacceptable adverse impact on structural open spaces of the town will not be permitted. The criteria used in assessing the impact that a development proposal may have are a) the size, form, function and character of the structural open space affected by the development proposal; and b) the impact of the development proposal on the structural open space.

7.2.2 The amenity space forms an area of grassed land measuring approximately 30 sqm in area, located immediately adjacent the front elevation of No.298 Jessop Road. For all intents and purposes the land forms and can be viewed as the front garden of the property. It has been enclosed and maintained under a License to Occupy from the Council for some time.

7.2.3 The inclusion of the land the subject of this application within the curtilage of 298 Jessop Road would formalise the current use and maintenance of the land by the owners. Whilst the majority of land to the frontages of these properties is open, there are examples of low level boundary treatments and landscaping enclosing front gardens. Given the existing outlook of the land to the front of the property, and the owner's right to occupy the land, it is not considered that the loss of this area of open space would impact on the function and character of the structural open space within the estate. Furthermore, having regard to other examples of low level fencing and landscaping of nearby properties, the retention of the 1m high picket fence is not considered to harm the visual appearance and character of the area.

7.3 Matters raised by objector

7.3.1 The main issue raised by the objector is the impact of the proposed development on the outlook of neighbouring properties and visual amenity of the area. The use of a high fence to enclose the area would have a detrimental impact on the neighbouring properties making them feel closed in. The neighbour acknowledges the land is currently used as front garden and has concerns the change of use is now being sought so that a future front extension can be applied for. Furthermore, the neighbour wishes for the Council to continue maintaining the grass to the front of properties to the east of the site, which are accessed beyond the site.

7.3.2 The application does not propose the erection of alternative fencing and a condition restricting the height of any future fencing or boundary treatments to 1m can be imposed on any grant of permission, protecting the visual amenity of the area and the amenity of neighbouring properties.

7.3.3 The Local Planning Authority (LPA) can only consider proposals put before them and not possible future development. If an application for a front extension to the property were to be submitted, the LPA would consider it on its merits based on current policy, and issues relating to visual and neighbour amenity will be considered and neighbours given the opportunity to make representations. Lastly, in respect of the maintenance of open grass frontages to neighbouring properties, the Parks and Amenities department would still continue to undertake this, as is currently the case.

8 CONCLUSIONS

- 8.1 The proposed change of use of the land and retention of the 1m high picket fencing are not considered to be detrimental to the character and appearance of the area. It is therefore recommended that planning permission be granted.

9 RECOMMENDATION

- 9.1 Planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in general accordance with the following approved plans: Site location plan.

REASON: - For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The existing 1m high fencing in place along the boundaries marked 'T' on the approved plan shall be retained and only replaced with like for like fencing, unless otherwise agreed in writing by the Local Planning Authority.

REASON: - To ensure the development has an acceptable appearance, in the interests of visual and neighbour amenity.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Central Government advice contained in the National Planning Policy Framework March 2012 and the National Planning Policy Guidance 2014.
4. Letters received containing representations referred to in this report.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

