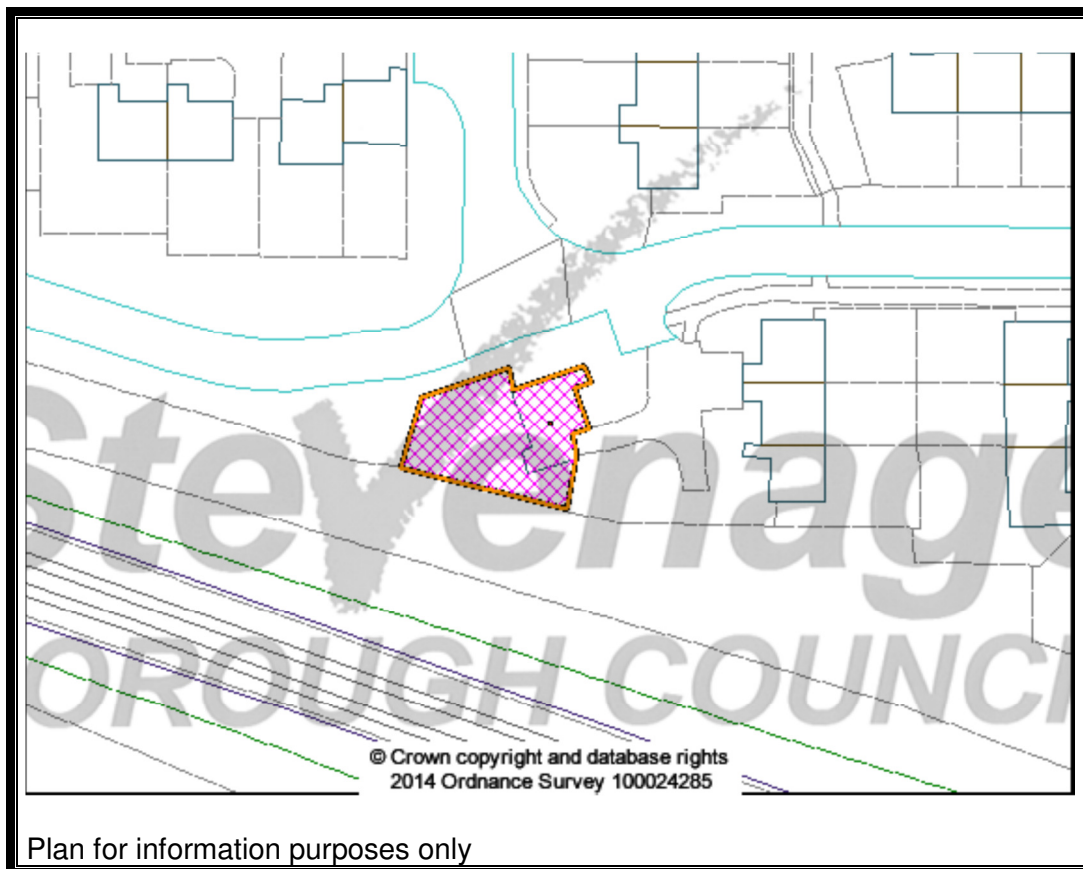


**Meeting:** Planning and Development Committee      **Agenda Item:** 4  
**Date:** 23 June 2015  
**Author:** Rebecca Elliott      01438 242836  
**Lead Officer:** Paul Pinkney      01438 242257  
**Contact Officer:** Rebecca Elliott      01438 242836

Application No:	15/00227/FP
Location:	Land adjacent 109 Blenheim Way, Stevenage
Proposal:	Change of use of public amenity land to private residential land and erection of single storey rear extension.
Drawing Nos.:	Site location plan; 941:100 Existing site layout, floor plans and elevations; 941:101 Proposed site layout, floor plans and elevations.
Applicant:	Mr Darren Bennett
Date Valid:	1 May 2015
Recommendation:	GRANT PLANNING PERMISSION



Plan for information purposes only

## **1. SITE DESCRIPTION**

- 1.1 The application site is 109 Blenheim Way, a detached dwelling located on the southern side of Blenheim Way and to the west of the small residential cul-de-sac which it faces on to. The easterly facing property has a small garden frontage and vehicular hardstanding. The parcel of land seeking the change of use is a small piece of amenity land located to the south east of the property. The small cul-de-sac provides vehicular access to four residential properties including the application site; the remaining three properties are located on the eastern side of the side arm. The property is bounded to the north by Blenheim Way and to the west and south by a small wooded area of amenity land. Beyond this to the south is the railway line.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 13/00118/FP - First floor side extension, part two storey and part single storey rear extension. Application permitted.

## **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 136 square metres) to residential curtilage. 33 square metres of the amenity land is currently laid and used as hardstanding to provide parking for the property, which is to remain the same. An area of approximately 27 square metres of the open space to be used as garden land would be enclosed within the rear garden with a 1.8m high fence. The remaining 75 square metres would be laid to grass following the felling of five Oak trees. To the rear of the property it is proposed to erect a single storey rear extension.
- 3.2 The amenity land the subject of this application lies immediately adjacent the existing front and side boundary of the property. The land to the side is proposed to be partially enclosed by 1.8m high fencing in line with the front elevation of the property to form part of the rear garden. The remaining land is to be left open as front garden, laid to grass. The existing driveway is located to the north of the amenity land and whilst currently owned by the Council has an existing easement to allow the owners of No.109 to park on the hardstanding.
- 3.3 The proposed single storey rear extension would extend off the rear elevation of the main house and attach to the side elevation of an existing single storey, flat roof extension. The extension would measure 3m in depth and 7.5m in width, and is designed with a simple lean-to roof.
- 3.4 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 letters to immediately adjoining premises and a site notice posted on a lamp post to the north west of the site along the footpath facing onto the main road of Blenheim Way. Two letters of representation have been received, one in full support of the proposal and one letter of objection. The objection raised relates to the loss of the open space for local children to play on without having to cross the main road of Blenheim Way and the increased health and safety and noise issues associated with the storage of builder's materials on the land. The objector states that the owners of No.109 own a landscape business and currently use the land for storage of builders' materials and equipment associated with their business, to the detrimental of the visual amenity of the area.

## **5. CONSULTATIONS**

### **5.1 Parks and Amenities**

- 5.1.1 The Council's Tree Manager has viewed the proposals to fell the five Oak trees on site and has no objections. The five semi mature Oak trees are very densely planted and therefore unlikely to mature at this location in this configuration. The Oak trees provide amenity to the very near properties only and due to the existing surroundings and the site's proximity to a very dense tree belt, the loss of the five Oak trees are not considered to detrimentally effect the overall landscape.

## **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  
Chapter 6 Stevenage Design Guide

## **7 APPRAISAL**

- 7.1 The main issues for consideration in the determination of this application are the impact of the loss of the amenity land on the character and appearance of the area; the loss of five Oak trees on the amenity of the area and the acceptability of the design of the proposed rear extension and the impact on the visual amenity 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 105 sqm in area, and an area of hardstanding measuring approximately 33 sqm in area. The existing hardstanding and driveway are already associated with the property for use by the owners. The appearance and use of this element of the amenity space would therefore be retained, the resultant impact on the function and form of the structural open space therefore minimal.
- 7.2.3 The inclusion of the grassed amenity space within the curtilage and garden of 109 Blenheim Way would enlarge the existing front and rear gardens. An area measuring approximately 27 sqm to the west of the amenity space is to be enclosed by a 1.8m high close boarded fence (similar to the existing fencing), erected running north to south in line with the front elevation of the dwelling. The remaining amenity space would be laid to lawn following the removal of the five Oak trees currently located within the amenity space.
- 7.2.4 The land is currently maintained by the owners of No.109. The location of the land directly adjacent No.109 and tucked in the corner of the small cul-de-sac area is such that the open space designation of the land is generally only enjoyable by the four properties facing on to it. A large open space and play area is located in close proximity, to the north of the site. The wooded area to the south of the site, which extends along the southern perimeter of Blenheim Way contains footpaths and offers recreational space for residents and dog walkers. Given the

amount of land to be lost and its siting within this small cul-de-sac, 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.

- 7.2.5 The erection of the proposed 1.8m high close boarded fence within the amenity space, but in line with the front elevation of the dwelling is not considered to detrimentally affect the visual amenity of the area. The retention of the larger element of the amenity space as open garden land is considered acceptable and would not overtly change the existing outlook of the land. The resultant impact on the form, function and appearance of the area is not considered to be adversely affected. Furthermore, having regard to the existing example of boundary fencing in place at the property, and the siting of the proposed fencing within the south western corner of the land and cul-de-sac, the proposed enclosure of the additional area of rear garden with a 1.8m high fence is not considered to harm the visual appearance and character of the area.
- 7.2.6 The proposals include the felling of five Oak trees located on the amenity land. The Council's Tree Manager has no objections to the proposed loss of the semi mature Oak trees. The proximity and configuration of the trees is such that the trees are unlikely to mature at this location. Whilst visible from the main highway the trees provide amenity mainly to the nearby properties and due to the existing surroundings and the dense tree belt to the south of the site, the loss of the trees are not considered to detrimentally effect the overall landscape and visual amenity of the area.

### **7.3 Design and Appearance of Proposed Extensions**

- 7.3.1 The proposed single storey rear extension is simple in design, incorporating a lean-to roof and materials to match the existing property. The extension would project off the original rear elevation by 3m, stretching the full width of the rear elevation of the main dwelling and attaching to the side elevation of an existing single storey side extension which projects just beyond the rear elevation at present. The depth of projection and design would accord with the Council's adopted supplementary guidance as contained in the 'Stevenage Design Guide' and due to the property being sited away from neighbouring properties, the proposed extension would not impact the amenity of the neighbours. Whilst the rear garden of No.109 can be seen from the road, the existing high boundary treatments and a slight change in ground levels between the rear garden and adjoining pedestrian footpath are such that the extension will not be highly visible from the public realm.

### **7.4 Matters raised by objector**

- 7.4.1 The main issues raised by the objector are the impact of the loss of the open space for local residents and the likely proposed outlook of the land being in the ownership of No.109 due to the current owners business. The objector claims the land is already used to store builder's materials and machinery associated with the landscaping business run by the owner of No.109 and therefore has concerns the land will be used to store further materials and will therefore be detrimental to the visual amenity of the area.
- 7.4.2 In respect of the loss of the amenity space for local residents, the only people who really benefit from the space are the residents of the properties which look on to the land. Due to the nature of the land, previously being un-kept, prior to the owner of No.109 maintaining the land, it would not have been usable as formal play space. A designated play space is located in close proximity to the north of Blenheim Way and the three properties located in the cul-de-sac all have reasonable levels of private garden area.
- 7.4.3 The owners of No.109 have responded to the objector's comments in respect of the storage of builder's materials and have suggested the storage was for a limited period following works to the property and garden. The applicants do operate a landscaping business, however, this has a registered address and office away from the residential dwelling, and is not run from the property and the curtilage of No.109 is not used for storage of materials associated with the business.

- 7.4.4 Homeowners may own items such as wheelbarrows, ladders, etc for the general maintenance and upkeep of their property. The presence of these types of items at the site is not therefore unusual, although their siting within the area of amenity space is detrimental to the outlook of the area. However, restrictions related to the use of the land are applied during the sale of the land as covenants. The restriction of items being stored within the proposed front garden element of the land could be applied as necessary.

## 8 CONCLUSIONS

- 8.1 The proposed change of use of the land, the erection of 1.8m high fencing, and the proposed rear extension are not considered to be detrimental to the form and function of the structural open space, nor 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; 941:100 Existing site layout, floor plans and elevations; 941:101 Proposed site layout, floor plans and elevations.

**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 materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

**REASON:** - To ensure the development has an acceptable appearance.

- 4 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no erection of or alteration to a gate, fence, wall or other means of enclosure shall be carried out to the amenity land the subject of this application which forms the front garden of the dwellinghouse unless permission is granted on an application made to the Local Planning Authority.

**REASON:** - To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the locality.

### 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.