

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 10 December 2019

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

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1. APPEALS RECEIVED

- 1.1 19/00383/FP, 36 Fellowes Way. Appeal against refusal of planning permission for the erection of 1no. one bedroom bungalow.

2. DECISIONS AWAITED

- 2.1 17/00730/ENF, 18b Boulton Road. Appeal against serving of Enforcement Notice relating to an unauthorised gym operating from the premises.
- 2.2 18/00600/CLEU, 80 Kymswell Road. Appeal against refusal of a Certificate of Lawful Existing Use for the continued use of the premises as a HMO (use Class C4).

3. DECISIONS RECEIVED

- 3.1 19/00165/FP, Land at 68 Wildwood Lane, Stevenage. Appeal against refusal of planning permission for the demolition of existing double garage. Erection of detached three-bedroom house and integral garage. Erection of replacement single garage to No.68.

3.1.1 Procedural Matters

Since the determination of the application, the Council adopted the Stevenage Borough Local Plan 2011-2031 (2019) on 22 May 2019.

The appellant submitted amended plans with the appeal showing an increase in the size of the garages. The amended scheme is not so changed that were it to be granted, it would not deprive those who would have been consulted in the usual manner. Therefore, the amended drawing is accepted by the Inspector.

3.1.2 Main Issues

Character and appearance of the area

Wildwood Lane has a strong linear character with dwellings on both sides of the road with a mostly consistent building line following the curve of the highway. Whilst the proposed dwelling would be a similar scale and design, it would be markedly incongruous with the pattern of development being set back from the building line.

The Inspector acknowledged the existing garage to be demolished is set back, however, the dwelling it serves is not and the proposed development would be significantly more prominent in the street scene.

The new dwelling would be jarringly incongruous within its context and cause significant harm to the character and appearance of the area. As such, it would be contrary to Policies GD1 and HO5 of the Local Plan and the adopted Design Guide. It would also be contrary to the design principles of the National Planning Policy Framework (NPPF).

Living Conditions

Due to their height and number, the woodland trees situated close by to the east would restrict sunlight and cause significant overshadowing of the rear private amenity space, particularly early in the day. The proposed garage to the south would also cause overshadowing of the new dwelling's garden. Taken together in addition to the new dwelling itself, there would be a lack of direct sunlight to significant parts of the garden for unreasonably lengthy periods of the day. As such, the proposed development would cause significant harm to the occupiers of the dwelling contrary to Policy GD1 of the Local Plan and the adopted Design Guide. It would also be contrary to the design principles of the NPPF.

Highway Safety

The appeal site is located within Residential Accessibility Zone 3 in the Council's adopted Parking Provision SPD which requires 2 off-street parking spaces for the new dwelling (rounded up from 1.5 spaces).

The amended plan received as part of the appeal process shows the internal measurements of the proposed garage would fall below the required minimum as stated in the adopted Parking Provision SPD and would not therefore be counted as an off-street parking space. Therefore the site is only served by one space which is insufficient and would lead to on-street parking.

Paragraph 109 of the NPPF advises that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the impact on the road network would be severe. The Inspector accepted the Council's evidence of significant on-street parking already occurring in the area and He gave significant weight to this, stating that the additional on-street parking would have an unacceptable impact on highway safety. Therefore, the proposed development is contrary to Policy IT5 of the Local Plan and conflict with Paragraph 109 of the NPPF.

3.1.3 Conclusion

Whilst the provision of a new dwelling in a sustainable location would provide benefits to the housing supply and economy through construction jobs and future occupiers spending locally, these modest benefits do not outweigh the significant harm the Inspector identified and reported above. Accordingly, the proposed development does not accord with the development plan and there are no other considerations to outweigh this finding.

3.1.4 Decision

The Appeal is dismissed (decision attached).