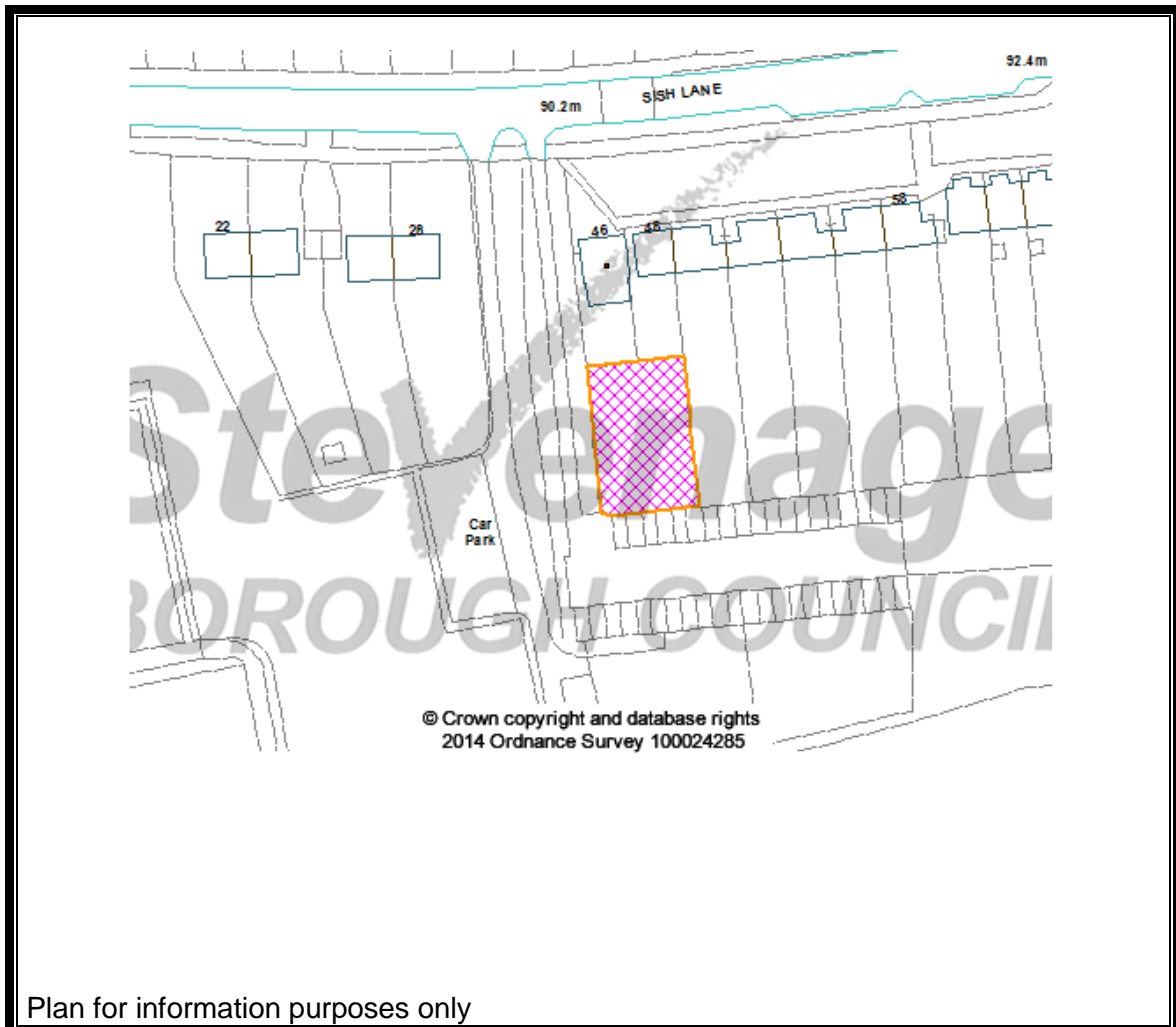


**Meeting:** Planning and Development Committee      **Agenda Item:** 4  
**Date:** 8 December 2015  
**Author:** James Chettleburgh      01438 242266  
**Lead Officer:** Zayd Al-Jawad      01438 242257  
**Contact Officer:** James Chettleburgh      01438 242266

Application Nos: 15/00463/FP  
Location: Land to the rear of 46 to 48 Sish lane, Stevenage, Herts.  
Proposal: Erection of 2 no. 2 bedroom bungalows.  
Drawing Nos. 1480-01B; 1480-02B  
Applicant: Mrs Tina Walsh  
Date Valid: 1 October 2015  
Recommendation: GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located to the rear of numbers 48 and 48A Sish Lane which are terraced properties. The site, which was formerly part of the rear garden area of number 48, abuts the garage access road and verge which runs along the western boundary and a 1.8m high boundary fence behind. Running along the southern edge of the site is a block of single storey, pre-fabricated garages which are currently owned by Stevenage Borough Council. Beyond the garage block there is a car park for King George the V Playing fields.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application reference 10/00176/FP sought permission for the erection of 3 no. detached three bedroom dwellings with associated landscaping, parking and access. This application was refused in July 2010 for the following reasons:-
1. The proposal would result in the redevelopment of the private residential garden of 48 Sish Lane which is not classified as previously developed land. The proposal therefore, fails to comply with the requirements of Policy H7 of the Stevenage District Plan Second Review 1991-2011 and the advice contained in Planning Policy Statement 3 - Housing (June 2010);
  2. The proposed dwellings would, by reason of their roof design and materials, result in an unacceptable form of development that would have a detrimental impact upon the character and appearance of the area. As such the proposal would be contrary to Policies TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011.
  3. The proposal would significantly detract from the amenities enjoyed by the occupiers of no. 50 Sish Lane in their rear garden by reason of its overbearing impact and loss of outlook. As such, the proposal would be contrary to Policy TW8 of the Stevenage District Plan Second Review 1991 - 2011.
- 2.2 Taking into consideration, the above planning refusal forms a material consideration in the assessment of this planning application proposal.

## **3. THE CURRENT APPLICATION**

- 3.1 Planning permission is sought for the erection of 2 no. two bedroom bungalows. The proposed bungalows have an L-shaped footprint and span a maximum of 8.47m in width and 8.51m in length. In terms of height, the bungalows would have an eaves height of 2.26m with an overall ridge height of 5.04m. The bungalows would comprise of a single-storey wing which would tie into the hipped roof of the proposed bungalows.
- 3.2 This application comes before the planning committee for consideration as part of the application site is owned by Stevenage Borough Council and objections have been received to the application.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The planning application was advertised by way of a site notice and neighbouring residential properties were consulted via letter. Comments from 46 Sish Lane were received stating that the address of the application site appeared to be incorrect. An objection was also received from 48 Sish Lane. A summary of the objection is as follows:

- Unacceptable loss of trees;
- Development would affect the general amenity of the area;
- Will affect the noise of the area;
- Will cause an increase in traffic,
- Will cause problems with access; and
- Will cause problems with car parking which is currently an issue in the area.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

- 5.1.1 Subjection to appropriate conditions regarding visibility splays relating to the new access/driveways, it is considered that the proposed development would not have a detrimental impact on the safety and operation of the highway.

### **5.2 Council's Parks and Amenities Section.**

- 5.2.1 No objections are raised to the change of part of the structural open space to form part of the development.

### **5.3 Council's Arboricultural Officer**

- 5.3.1 No objection is raised for the proposed removal of 2 no. Alder trees.

## **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**

TW1: Sustainable Development;  
TW8: Environmental Safeguards;  
TW9: Quality in Design;  
H7: Assess Windfall Residential Development;  
H8: Density of Residential Development;  
T6: Design standards;  
T15: Car Parking Strategy;

## **6.4 Interim Planning Policy Statement (IPPS)**

IP01: Sustainable Development Principles;  
IP08: Housing Mix

## **6.5 Supplementary Planning Documents**

Parking Provision SPD (2012)  
Stevenage Design Guide SPD (2009)

# **7 APPRAISAL**

- 7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, impact on visual amenities, impact on residential amenities, car parking provision and highway implications and impact on trees.

## **7.2 Land Use Policy Considerations**

- 7.2.1 The application site is not allocated for residential development within the District Plan Second Review 1991 - 2011 and is, therefore, regarded as a 'windfall site'. Consequently, the proposal would have to meet the key criterion set out in Policy H7 of the adopted Local Plan. For the purpose of clarity, the definition of previously-developed land, as stated within the National Planning Policy Framework, is "that which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure".
- 7.2.2 The existing garden space of the application site is not defined as previously developed land as it is 'greenfield' land under the NPPF. However, it is located within an urban area so it actively embraces the purpose of the planning system which is to deliver sustainable development. This is because the proposed development, despite being on garden land, would be accessible to public transport, shops and services of the old town and town centre. Therefore, it reduces pressure being placed on delivering residential development in the 'Green Belt' which encloses Stevenage.
- 7.2.3 In relation to the five year supply of deliverable housing, paragraph 47 of the NPPF states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The most up to date housing supply figures indicate that the Council is unable to provide a 5 year supply of deliverable housing. The fact that the Council is unable to meet its requirement to provide a 5 year supply of housing is thus a material consideration that weighs in favour of the application.
- 7.2.4 Further to the above, the NPPF requires that the planning system should deliver inter alia a wide choice of high quality homes, widen opportunities for home ownership and plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. The Interim Planning Policy Statement (IPPS) for Stevenage suggests that there is a greater need for 1 and 2 bed properties and that the Council should be significantly increasing the number of smaller homes and apartments that are available. The application is thus in accordance with national and local guidance in terms of providing housing for a specific group of people by varying the housing mix in Stevenage and providing smaller homes.
- 7.2.5 Turning to the impact on the structural open space, the proposed residential development would result in the loss of some of the green verges, which, in line with Policy TW2 of the adopted District Plan, may be regarded as structural open space. However, it is considered that the verge between the existing western boundary of no. 48A Sish Lane and the garage access road does not contribute to structural open space. This is because the verge is relatively narrow and is not set in a prominent location, consequently, the verge provides limited contribution to the sense of openness or general appearance of the locality. Furthermore, the Council's Parks and Amenities Department have raised no objection to the loss of part of the structural open space.
- 7.2.6 Looking at density, Policy H8 of the District Plan states that its density of all residential development should respect the characteristics of the site and the character and amenity of the surrounding area. The policy recommends a general housing density of 30 to 50 dwellings per hectare. The scheme proposes 2 dwellings which results in a density of 52 dwellings per hectare. It is noted that whilst the density is higher than the surrounding area, it is within the normal ranges that the Council seeks and, having regard to the high level of accessibility to the site, it is not considered to be inappropriate.

7.2.7 Setting aside the impact of the proposed development on the amenities of neighbouring occupiers (criterion c of Policy H7) and the impact on the character and appearance of the area, as these will be considered later in this report, the proposed bungalows are considered to be an acceptable exception to Policy H7 for the reasons set out above. Consequently, it is considered that the previous reason for refusal in relation to the redevelopment of the site for residential purposes has been overcome in this instance.

### **7.3 Impact on visual amenity**

7.3.1 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is supported by Local Plan Policy TW9 and the Council's Design Guide SPD (2009).

7.3.2 The proposed bungalows have an L-shaped footprint and span a maximum of 8.47m in width and 8.51m in length. In terms of height, the bungalows would have an eaves height of 2.26m with an overall ridge height of 5.04m. The bungalows would comprise of a single-storey wing which would tie into the hipped roof of the properties. Given the overall size of the proposed bungalows, they would sit comfortably within the overall context of the area which comprises two-storey dwelling houses. In terms of the roof, this would not be out of character from the wider area. This is because there is a mixture of roof designs along Sish Lane.

7.3.3 Turning to the architectural design of the bungalows, they would comprise of bay windows on the principal elevation with brick chimney stacks attached to the flank elevation. These elements, combined with the gable-end projections provide articulation to the built form of the bungalows. The use of render panels on the bay window as set against the brown brick work would help to add visual interest and break up the overall visual bulk of the bungalows. In terms of fenestration detailing, this has been designed to reflect the fenestration of properties within the surrounding street scene.

7.3.4 Given the aforementioned comments, and subject to appropriate conditions on boundary treatment and samples of materials to be used in the construction of the development, it is considered that the proposed development is of an appropriate size and scale so as to not appear overbearing within the street scene. Furthermore, the visual appearance of the development would not have a detrimental impact on the visual amenities of the area. Consequently, the previous reasons for refusal in relation to design and visual impact of the development have been overcome through this revised scheme.

### **7.4 Impact on Residential Amenities**

7.4.1 With regard to the impact on outlook, the proposed development due to its siting and position would not have a detrimental impact on the outlook of neighbouring properties as viewed from habitable room windows.

7.4.2 Turning to privacy, in regards to the sideward facing windows which serve the proposed bathrooms of the bungalows, these would be obscurely glazed and non-opening as measured 1.7m from finished floor level. This is to ensure that the privacy of number 48 Sish Lane and any potential residential redevelopment of the garage courtyard would not be affected by the proposed development. A condition would be imposed to any permission issued which would ensure that these windows are obscurely glazed and non-opening as measured 1.7m from finished floor level.

- 7.4.3 Further to the above, in order to protect the privacy of neighbouring residential properties from any future extension works to the bungalows, a condition can be imposed to remove permitted development rights. This condition would restrict the ability to install dormer windows, roof lights as well as restrict the ability to install any new windows, doors or other openings to the flank elevations of the bungalows.
- 7.4.4 In relation to sunlight and daylight, given the siting, design and overall solar orientation of the proposed development, the bungalows would be unlikely to have a detrimental impact on the sunlight and daylight which is received by neighbouring residential properties.
- 7.4.5 The Stevenage Design Guide states that the minimum garden space for terraced or semi-detached dwellings should normally be 50 square metres and larger detached dwellings will generally be required to provide a larger rear garden area. Following an assessment of the proposed development, both of the garden areas would be over 50 square metres in size. Consequently, the garden areas would be in accordance with the Council's Design Guide SPD (2009). However, to ensure that the private garden areas remain a sufficient size for future owner/occupiers to enjoy, a condition can be imposed to remove permitted development rights for extensions.
- 7.4.6 Given the aforementioned comments, it is considered that the reason for refusal in relation to the impact on the amenities of number 50 Sish Lane have been overcome in this instance.

## **7.5 Parking Provision**

- 7.5.1 Policy T15 of the Local Plan (2004) states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. This policy generally reflects the policies set out in within the NPPF (2012).
- 7.5.2 The Council's Parking Standards SPD (2012) determines the maximum amount of off-street parking for residential development based on the number of bedrooms. The proposed development seeks to create 2 x 2 no. bedroom apartments which under the above standards require 4 spaces. Given the overall size of the proposed front drive which can accommodate 4 parking spaces, the proposal level of parking provision is considered acceptable.
- 7.5.3 In regards to cycle parking, the Council's Parking Standards SPD (2012) stipulates that 1 long-term space per unit is required if no shed or garage is provided. Given the proposal does not incorporate the provision of a shed or garage, there is currently no provision of secure cycle parking. Therefore, it is recommended that a condition be imposed to any permission issued requiring a secure cycle parking space to be provided for each bungalow in line with the Council's Parking Standards.
- 7.5.4 Given the above, despite the concerns which have been raised by local residents regarding parking, the proposal would have sufficient off-street parking in line with the Council's Parking Standards SPD (2012).

## **7.6 Highway implications**

- 7.6.1 The proposed development seeks to create a new dropped kerb access from the garage access road. The access point of the highway has been designed to comprise a suitable vehicle to vehicle and pedestrian inter-visibility splays in line with the standards set out in the Manual for Streets. The access road would have a sufficient width to accommodate the parking area for the bungalows and is sufficient to allow vehicles to safely manoeuvre into and out of the parking areas.

7.6.2 In terms of traffic generation, it is considered that the proposed would not result in a significant increase in traffic generation. Therefore, the proposal is unlikely to impact on the local highway network.

7.6.3 Given the aforementioned comments, it is considered that the proposed development would not have a detrimental impact on the safety and operation of the highway. This is supported by Hertfordshire County Council as the Highways Authority.

## 7.7 Trees

7.7.1 The proposed development would seek to remove 2 no. Alder trees in order to facilitate the creation of the driveway for the bungalows. Following consultation with the Council's Arboricultural Officer, it is recommended that the proposed removal of these trees would be acceptable. This is because they have limited amenity value in line with British Standards BS 5837:2012 (Trees in relation to design, demolition and construction).

## 7.8 Other Matters

7.8.1 In regards to noise, if this becomes a statutory nuisance, then the Council's Environmental Health Department have powers to deal with noise related nuisances. Separate to this, a condition would be imposed to any permission issued restricting the days/times contractors can work on-site. This would ensure that noise is not generated during the development at unsociable hours which could affect the amenities of neighbouring residential properties.

## 8 CONCLUSIONS

8.1 The proposed erection of 2 no. bungalows would in principle, be considered acceptable in land use policy term and they would not have a detrimental impact on the form or function of the structural open space, nor the character and appearance of the area. The proposed bungalows are of an appropriate size, scale and design with adequate off-street parking being provided without affecting highway safety. It is therefore recommended that planning permission be granted.

## 9 RECOMMENDATIONS

9.1 That planning application be GRANTED subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

1480-01B; 1480-02B

**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 No development, including site clearance, shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces and hardsurface areas of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**REASON:-** To ensure the development has an acceptable appearance and maintains the visual quality of the area.
- 4 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.  
**REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 6 Prior to the first occupation of the dwellings hereby permitted, details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the dwellinghouses.  
**REASON:-** To promote access to the development by cyclists in accordance with the Council's Parking Standards SPD (2012).
- 7 No removal of trees, scrub or hedges, shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (as amended).
- 8 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any time, except between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0900 to 1300 on Saturdays.  
**REASON:-** To safeguard the amenities of the occupiers of neighbouring properties.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings associated with the dwellinghouses other than those expressly authorised by this permission shall be constructed.  
**REASON:-** To satisfactorily protect the residential amenities of nearby occupiers at numbers 46 to 50 Sish Lane.
- 10 The window(s) to be created in the ground floor (bathroom) on the northern elevation of plot 1 and the southern elevation of plot 2 shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approved of the Local Planning Authority.  
**REASON:-** To protect the amenities of neighbouring residential properties and not to sterilise the possible future redevelopment of the garage courtyard.

- 11 Notwithstanding the provisions of Classes A to E of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions, enlargements, alterations, dormer windows, roof lights to the dwellinghouses or outbuildings within the curtilage of the dwellinghouses hereby permitted shall be erected 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 development normally permitted by the Order and to safeguard the amenities of neighbouring occupiers at numbers 46 to 50 Sish Lane as well as protect the level of outdoor amenity space within the curtilage of the dwellinghouses.
- 12 The dwellings hereby permitted shall not be occupied until the 4 parking spaces of 2.4 metres x 4.8 metres shown on the approved plan 1480-01 Rev B have been constructed, hardsurfaced and made ready for use. The parking facilities shall be retained in that form and thereafter be used only for the parking of vehicles.  
**REASON:-** To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining vehicles.
- 13 Before the parking spaces are first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access to the parking bays. They shall be measures from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary, therefore, forming a triangular visibility splay. In this visibility splay, there shall be no obstruction to visibility between 600mm to 2 metres above the carriageway.  
**REASON:-** To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

### **Pro-active statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead 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) Order 2015.

## **13 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 National Planning Policy Guidance 2014.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.