

Meeting: Planning and Development Committee **Agenda Item: 6**

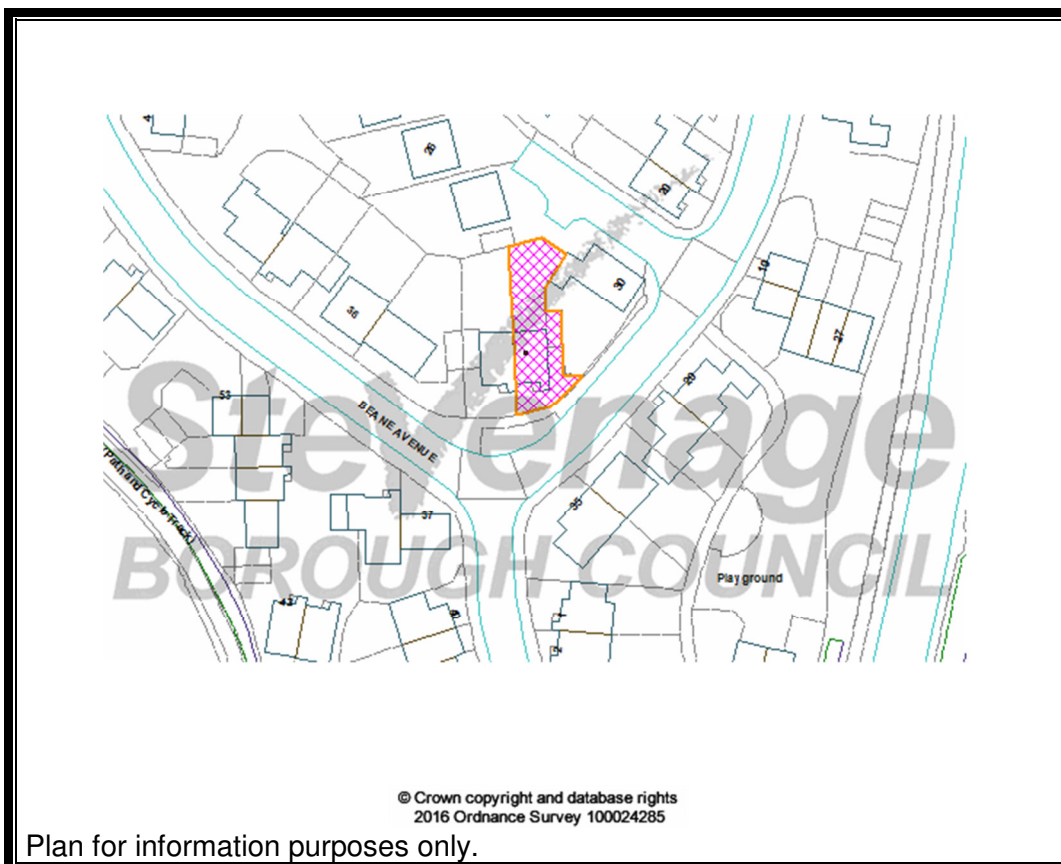
Date: 8 November 2016

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Application No :	16/00605/FPH
Location :	32 Beane Avenue Stevenage
Proposal :	Retrospective garage conversion
Drawing Nos.:	AT633-01; AT633-02
Applicant :	Mr Paul Porter
Date Valid:	2 September 2016
Recommendation :	REFUSE PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application property is a 3 bed semi-detached dwelling located at the southern end of Beane Avenue, on a u-shaped bend opposite the junction with Beane Walk. The property is built from red brick with a white-grey front porch. The garage, which is the subject of this application, is attached to the side of the dwelling near the rear elevation and as such is set back from the front of the dwelling. The driveway is narrow in width and is enclosed along one side with a 2m high brick wall enclosing the neighbours' rear garden.

2. RELEVANT PLANNING HISORY

- 2.1. 16/00436/FPH. Garage conversion, refused 18.08.2016

3. THE CURRENT APPLICATION

- 3.1 The application seeks retrospective planning permission for the conversion of the garage into habitable accommodation, including the removal of the garage door and replacement with a door and small window. Planning permission is required as the permitted development rights for alterations to the property were removed as part of the original planning permission for the estate.

4. PUBLIC REPRESENTATIONS

- 4.1. The application was publicised by way of neighbour notification letter to the immediately adjoining neighbours and a site notice was posted on the tree immediately to the front of the application site. No representations were received.

5. CONSULTATIONS

5.1. Hertfordshire County Council Highways

- 5.1.1 Initial consultation response received to advise they do not wish to restrict the granting of planning permission.
- 5.1.2 Following a site visit and second consultation, Hertfordshire County Council as local highway authority recommend refusal of the application on the grounds that the applicant has not included adequate provision for space within the site for a standard car parking space and include for pedestrian access to the front door of the application property in accordance with the Disability Discrimination Act.

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); and
- The Stevenage District Plan Second Review 2004.

The Council has now commenced work on the new Stevenage Borough Local Plan 2011-2031. The draft version of the Plan was published in January 2016 and will be used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Site Specific Policies DPD, the draft Gunnels Wood Area Action Plan (AAP), the draft Old Town AAP, the Pond Close Development SPG, Stevenage West Masterplanning Principles SPG, the Gunnels Wood Supplementary Planning Document and the Interim Planning Policy Statement for Stevenage are no longer material considerations in the determination of all planning applications registered on or after Wednesday 6 January 2016.

- 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 Local Plan

Policy T15: Car Parking Strategy
Policy T16: Loss of Residential Car Parking
Policy TW8: Environmental Safeguards

6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)

Policy IT5: Parking and Access
Policy GD1: High Quality Design

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012

7. APPRAISAL

7.1. The main issues for consideration are the impact on the character and appearance of the area and parking provision.

7.2. Whilst undertaking the site visit for this application, it was noted that the garage conversion has already commenced, in contravention of the earlier refusal of planning permission. The garage door has been replaced with a door and window.

7.3. Impact upon the Character and Appearance of the Area

7.3.1 The garage is set back from the public highway by approximately 8m at its longest point and 7.5m at its shortest point. The proposed replacement door and window are white uPVC and similar in design to that of the existing dwelling and the new surrounding brickwork matches the existing dwelling. In this regard, the replacement of the garage door with a door and window does not harm the character and appearance of the area.

7.4 Impact on Highway Safety and Car Parking

7.4.1 The conversion of the garage would result in the loss of one car parking space. The Parking Provision SPD recommends 2 car parking spaces for this 3 bed dwelling. The plans provided show the driveway to be 8m long at its longest point and 7.5m long at its shortest point and 2.4m wide, opening out to 6m where it meets the public highway. The driveway is bordered by the application property on one side and a 2m high boundary wall on the other side.

7.4.2 The plans also show a parking space on the front garden directly in front of the main front door of the dwelling. The plans indicate this space to be 2.4m wide by 4.8m long which is the minimum standard for off street parking.

7.4.3 A site visit was undertaken to check the measurements of this parking space and it was found to be 5m long by 1.9m wide, which is not sufficient for the parking of a vehicle. Furthermore, these measurements were taken from the front door which would mean should a vehicle park there, the main front door of the property would be incapable of being used.

- 7.4.4 Being made aware of this, Hertfordshire County Council Highways have advised that planning permission should be refused on the basis of insufficient space to park a vehicle; insufficient pedestrian space and the blockage of the front door.
- 7.4.5 Following the unauthorised conversion of the garage at the site and the inadequacy of the proposed replacement parking for the garage, the dwelling is now only to be served by one off-street parking space, which is below the Council's adopted standard for a 3 bed property. As such, the development would be likely lead to an increase in on-street parking to the detriment of highway safety and neighbour amenity as there are limited on-street spaces due to the narrow highway, number of dropped kerbs and the property's location on the u-bend of Beane Avenue opposite the entrance to Beane Walk.

8. CONCLUSIONS

- 8.1 The proposal would result in an inadequate level of parking within the site to serve the property. Consequently, if the development were to be granted planning permission it would likely lead to the parking of vehicles on the adjacent highway to the detriment of highway safety and neighbour amenity.

9. RECOMMENDATIONS

- 9.1. That planning permission be REFUSED for the following reason:
1. The proposal, if permitted, would by virtue of the loss of the existing garage serving the property result in an inadequate provision for parking within the site to serve the application property. This would be likely to lead to the parking of vehicles on the adjacent highway to the detriment of highway safety and neighbour amenity, contrary to policies T15 and T16 of the Stevenage District Plan Second Review 1991-2011, policy IT5 of the draft Local Plan, the NPPF and the NPPG, and the Council's Car Parking Standards SDP (2009).

Pro-Active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.

10. FURTHER CONSIDERATIONS

- 10.1 Having recommended refusal of the planning application, a decision needs to be made as to whether the Council should undertake enforcement action against the breach of planning control which has occurred in this instance.

- 10.2 As set out previously in this report, it is considered that the garage conversion would have an unacceptable impact on the public highway due to the lack of provision within the site to adequately park two vehicles.
- 10.3 Given the aforementioned comments, should the Committee agree with the recommendation set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to secure the garage being returned to its originally intended use as a garage for the parking of a motor vehicle. It is considered that a period of three months from the date of the decision is deemed reasonable in line with the Government's National Planning Practice Guidance (2014).

11. FURTHER RECOMMENDATION

- 11.1 That an Enforcement Notice be issued and served by the Head of Planning and Engineering, subject to the Borough Solicitor being satisfied as to the evidence requiring the garage to be returned to its original use as a garage at 32 Beane Avenue, Stevenage. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Head of Planning and Engineering.
- 11.2 That, subject to the Borough Solicitor being satisfied with the evidence, the Head of Planning and Engineering be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 11.3 That in the event of any appeal against the Enforcement Notice, the Head of Planning and Engineering be authorised to take any action required to defend the Enforcement notice and any appeal against the refusal of planning permission.

12. REMEDY REQUIRED

- 12.1 Within three months of the date of refusal of planning permission, to rectify the garage conversion and to permanently return the garage to its originally intended use as a garage for the parking of a motor vehicle.

13. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supported documents having the reference number relating to this item.
2. The application file, forms, plans and supported documents having the reference number 16/00436/FPH.
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
4. Stevenage District Plan Second Review 1991-2011.
5. Stevenage Borough Local Plan 2011-2031 Publication Draft 2016.
6. Central Government Guidance contained in the National Planning Policy Framework March 2012 and the National Planning Policy Guidance 2014.

7. Stevenage Council's Parking Provision SPD (adopted January 2012).