

Meeting: Planning and Development Agenda Item:
Committee

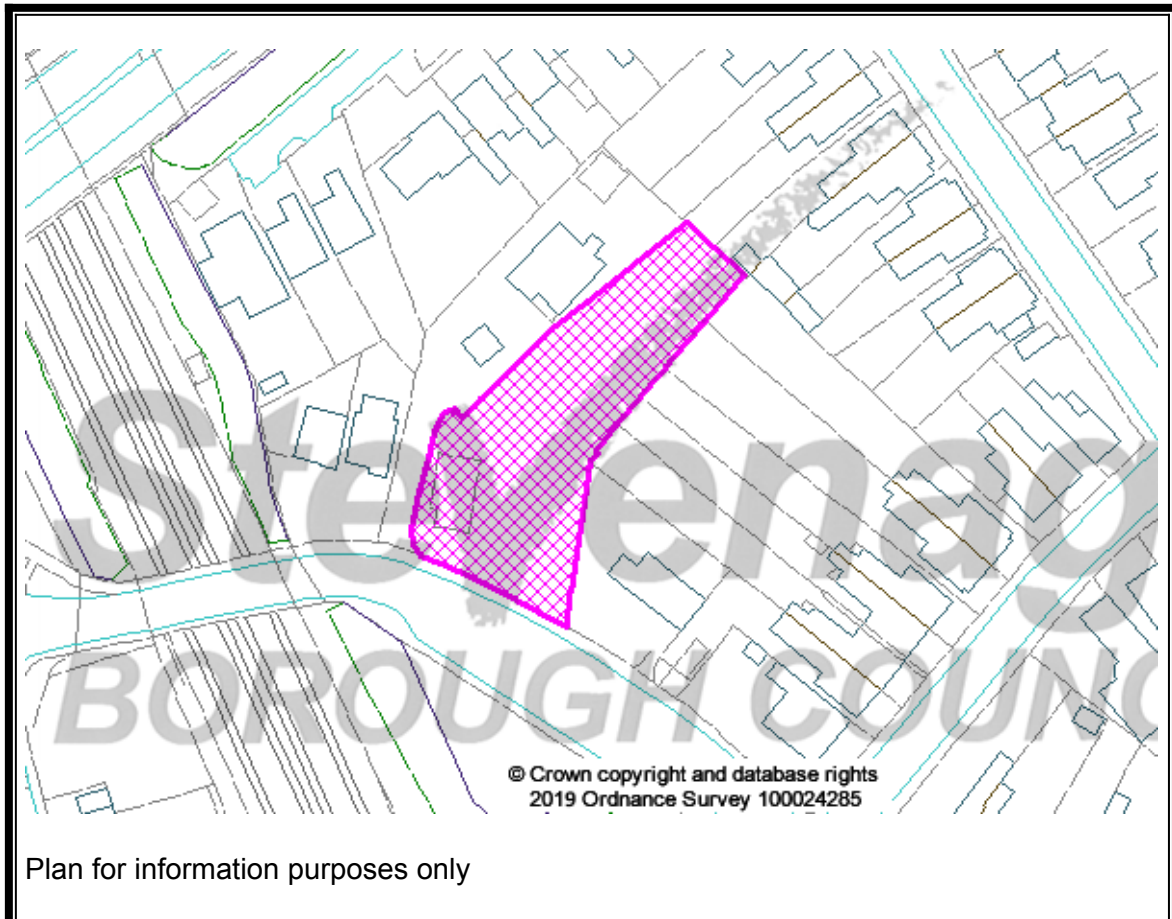
Date: 6 January 2021

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| Application No: | 20/00608/FP & 20/00775/ENF |
| Location: | Plot 1, 24 Julians Road, Stevenage |
| Proposal: | Variation to planning permission reference number 16/00608/FP to convert the integral garage. |
| Drawing Nos.: | 1858/10A; 1858/11; 1858/25 |
| Applicant: | Mr Lloyd Houghton |
| Date Valid: | 09 November 2020 |
| Recommendation: | REFUSE PLANNING PERMISSION AND SERVE AN ENFORCEMENT NOTICE. |



1. SITE DESCRIPTION

- 1.1 The site is the former curtilage of 24 Julians Road located to the north of Julians Road close to the railway bridge to the west. The property known as 24 Julians Road has been demolished and the erection of 3no. four bed dwellings is under construction following approval of application reference 16/00608/FP.
- 1.2 The dwellings are nearly complete and are already being marketed. Plot 1, the subject of this application, is located to the west of the site facing Julians Road. The four bedroom dwelling was approved with an integral single garage and a two car driveway.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 16/00608/FP sought planning permission for the demolition of the existing dwelling to facilitate the erection of 3 no. four bedroom detached dwellings. This application was granted planning permission in February 2017.
- 2.2 Discharge of condition application 17/00277/COND sought to discharge conditions 9 (Materials), 10 (Boundary Treatment) and 11 (Landscaping Scheme) attached to planning permission 16/00608/FP. The conditions were discharged in July 2017.
- 2.3 Discharge of condition application 17/00531/COND sought to discharge conditions 15 (tree protection) and 17 (Demolition and Construction Method Statement) attached to planning permission 16/00608/FP. The conditions were discharged in July 2017.

3. THE CURRENT APPLICATION

- 3.1 The application seeks a variation of condition 1 of approval 16/00608/FP to allow for the conversion.
- 3.2 The conversion did not involve the removal of the approved garage door, with access here to an external store. The dining room is sited behind the store with a new ground floor window on the respective side elevation of the dwelling.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letter to neighbouring properties, three objections were received from the following:-
 - 41 and 43 Julians Road; and
 - 22A Julians Road.
- 4.2 A summary of the representations which have been received are as follows:-
 - The garage has been constructed without a garage and now comprises a store and dining room and being marketed as such;
 - There is not sufficient space on-site to accommodate additional parking;
 - The proposal could result in the loss of landscaping on-site to accommodate additional parking;

- The proposal could lead to vehicles parking on the footpath which could prejudice highway safety;
- The proposal would put added pressure on the heavily used parking lay-by on Julians Road;
- The proposal will result in on-street parking;
- Will generate additional congestion on local roads;
- The lleylandii should be reduced to reduce the impact of overshadow as well as improve sunlight and daylight;
- Will result in higher property prices at a cost to the local community in terms of losing limited shared parking space;
- The development site is in a poor and untidy condition.

5 CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 It is unclear if a parking space has been removed as part of the reconfiguration or if the space is retained but reduced in size. Therefore, HCC Highways are unable to extend the grant of planning permission until the information has been clarified.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF, albeit with some revisions to policy. The policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF with which Members are fully familiar, is a material consideration to be taken into account in determining this application.

6.3 Planning Practice Guidance

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP8: Good Design
Policy GD1: High quality design
Policy IT5: Parking and access

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020.
Stevenage Design Guide Supplementary Planning Document 2009.

6.6 Community Infrastructure Levy Charging Schedule

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

7. APPRAISAL

- 7.1 The main issues for consideration are impact on visual amenity as well as parking and highway implications.

7.2 Impact on visual amenity

- 7.2.1 The conversion does not comprise the removal of the approved garage door, with access being retained to an external store. The dining room, once the development is completed, will be sited behind the store with a new ground floor window on the respective side elevation of the dwelling. Therefore the proposal has had no impact on the visual appearance of the dwelling or the street scene.

7.3 Parking and Highway implications

- 7.3.1 Turning then to the impact on the parking provision of plot 1, the property is a 4 bedroom dwelling and, in accordance with the current Council's adopted parking standards, should provide three parking spaces. This is the same level of parking as in the now superseded 2012 parking standards SPD and required when the original application was assessed.
- 7.3.2 The development now being carried out results in the loss of the integral garage and therefore one parking space within the curtilage of Plot 1. The submitted plans make no suggestion of a replacement space being provided on site, and given the confinement of the site, it is not considered this would be possible without losing a significant portion of the rear garden, which would then make the proposal unacceptable on amenity grounds.

- 7.3.3 Consequently, the provision of a 4 bedroom dwelling in this location with only two parking spaces is unacceptable and fails to meet Policies GD1 and IT5 of the Local plan, as well as the guidance contained in the Parking Standards SPD (2020).

8 CONCLUSION

- 8.1 In summary, the conversion of the approved integral garage of the dwelling shown as plot 1 results in the loss of a parking space at this four bedroom dwelling. The resultant provision of only two parking spaces at this property results in substandard parking provision, detrimental to the wider area and therefore fails to accord with Policies GD1 and IT5 of the Stevenage Borough Local Plan 2011-2031 (2019) and the Council's Parking Provision and Sustainable Transport SPD (2020). The under provision is unacceptable and could result in cars parking on the nearby highway to the detriment of highway safety

9 RECOMMENDATIONS

- 9.1 That planning permission be REFUSED subject to the following reason:-

1. The conversion of the approved integral garage of the dwelling shown as plot 1 results in the loss of a parking space at this four bedroom dwelling. The resultant provision of only two parking spaces at this property therefore fails to accord with Policies GD1 and IT5 of the Stevenage Borough Local Plan 2011-2031 (2019) and the Council's Parking Provision and Sustainable Transport SPD (2020). The under provision is unacceptable and could result in cars parking on the nearby highway to the detriment of highway safety.

10 FURTHER CONSIDERATIONS

- 10.1 Having recommended refusal of the retrospective 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 conversion of the garage to habitable accommodation is unacceptable as it results in the loss of parking space which would serve the approved dwellinghouse contrary to the Council's adopted Parking Standards SPD and Policy IT5 of the adopted Local Plan (2019).
- 10.3 Given the aforementioned comments, should the Committee agree with the recommendations set out in section 9 of this report to refuse planning permission, authorisation is sought to take enforcement action to require the development to be carried out in accordance with the plans approved under 16/00608/FP and to reinstate the garage for parking of motor-vehicles only. It is considered that a period of two months to comply with any Notice is deemed reasonable in line with the Government's Planning Practice Guidance (2014).

11 FURTHER RECOMMENDATION

- 11.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the unauthorised works within plot 1, namely the provision of a separate dining room and store be removed and the space converted to the approved garage under permission 16/00608/FP. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation in conjunction with Council's appointed solicitor.
- 11.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation 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 Assistant Director of Planning and Regulation 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 two months of the date of any Enforcement Notice served, the works required to provide the integral garage in accordance with the approved plans of permission 16/00608/FP.

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 (paragraph 38) 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 Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.