

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

Date:

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	21/01025/ENF Related ref's 17/00734/FPH & 17/00638/CLPD
Location:	7 Boxfield Green, Stevenage
Proposal:	Authorisation to serve an enforcement notice.
Drawing Nos.:	
Applicant:	
Date Valid:	
Recommendation:	SERVE AN ENFORCEMENT NOTICE



Plan for information purposes only

1. BACKGROUND

- 1.1 7 Boxfield Green is a detached dwelling located in the 'White Way' residential estate within Chells Manor. The property lies perpendicular to The White Way and the neighbouring property 8 Boxfield Green which fronts Boxfield Green to the east. Vehicular access is off Boxfield Green via a small private driveway to the southern side of No.8, shared with 6 Boxfield Green. The area is characterised by detached dwellings with modest sized gardens and plot sizes. The property is constructed from red brick under a brown bold roll roof tile.
- 1.2 Site history –
- 1.2.1 The property has several historic application references. 03/00394/FP for a single storey rear extension was approved on 02.10.2003 and has been built.
- 1.2.2 14/00159/FP for a first floor extension to the side of the dwelling, over the existing single storey garage was refused on 17.10.2014. The reason for refusal stated 'The proposed first floor side extension due to its height, location on the boundary with and subsequent proximity to the rear elevation of No.8 Boxfield Green would adversely affect the outlook and amenity of the occupiers of this neighbouring property. The proposal would, therefore, be contrary to saved policies TW8 and TW9 of the Stevenage District Plan Second Review 1991-2011 and the advice in the adopted supplementary planning document 'Stevenage Design Guide' 2009.'
- 1.2.3 16/00681/FPH for a first floor rear extension and a loft conversion was refused on 01.12.2016 for the following reasons –
- 1) The proposed loft conversion utilising the mansard roof feature would result in a bulky and incongruous feature that would have an adverse impact on the street scene given that the property is prominent in views from the White Way. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is contrary to Policy TW9 of the Stevenage District Plan Second Review 1991-2011, Policy GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and the advice in Chapter 7 of the National Planning Policy Framework March 2012.
 - 2) The proposed mansard roof element would result in an unacceptable loss and perceived loss of privacy to no. 9 Boxfield Green to the rear due to the height of the windows in the roof, their size and number and their projection significantly further forward of the existing roof slope. This impact would be to the detriment of the residential amenity of its occupants, contrary to Policy TW8 of the Stevenage District Plan Second Review 1991-2011.
- 1.2.4 17/00511/FPH for a first floor rear extension and loft conversion was refused on 15.09.2017 for the following reasons –
- 1) The proposed loft conversion utilising the mansard roof feature would result in a bulky and incongruous feature that would have an adverse impact on the street scene given that the property is prominent in views from the White Way. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is contrary to Policy TW9 of the Stevenage District Plan Second Review 1991-2011, Policy GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and the advice in Chapter 7 of the National Planning Policy Framework March 2012.
 - 2) The proposed mansard roof element would result in an unacceptable loss and perceived loss of privacy to no. 9 Boxfield Green to the rear due to the height of the windows in the roof, their size and number and their projection significantly further forward of the existing roof slope. This impact would be to the detriment of the residential amenity of its occupants, contrary to Policy TW8 of the Stevenage District Plan Second Review 1991-2011.

- 1.2.5 17/00638/CLPD for a loft conversion was agreed and a certificate issued on 27.10.2017.
- 1.2.6 17/00734/FPH for a first floor rear extension and loft conversion was approved on 13.02.2018.
- 1.3 The works deemed permitted development (PD) under ref:17/00638/CLPD and those approved under ref:17/00734/FPH have both been completed at the same time and include additions such as roof lights on the side roof slopes of the new roof that do not form part of the approved plans.

2. DISCUSSION

- 2.1 By implementing both the works deemed PD and those approved by full planning permission, the completed works are not in accordance with the respective approved plans.
- 2.2 The dormer window was deemed PD as it met the criteria as contained in Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) such that it does not create more than 50 cubic metres of volume (measured externally), it sits at least 20cm from the edge of the roof slope where it meets the wall, it does not sit higher than the highest part of the roof (excluding any chimneys) and that the dormer walls be finished in a material of a similar appearance to the existing house. The approved plan specifies the dormer walls to be tile hung.
- 2.3 Application ref: 17/00734/FPH for the first floor rear extension incorporates a half-hipped roof at the rear, with a dual pitch attaching to the existing dual pitch roof, perpendicular to it. These plans do show utilisation of the loft space but do not include the dormer window element. On the grounds of design and visual impact this application would not have been granted permission had it been submitted to include the dormer window.
- 2.4 There is some disagreement between the property owner and the LPA in respect of the whether it was ever made clear that the intention was to always implement both schemes. Officers believe that at no time was the applicant (home owner) told that both schemes could be implemented. Officers informed that a dormer window did not require permission and that a Certificate could be applied for, for this specific element. The dormer window did not therefore, nor could it form part of the planning permission.
- 2.5 The completed works include the construction of the dormer window, completed in white UPVC cladding, with the first floor extension and its pitched roof extending off of the dormer and the insertion of unauthorised roof light windows in the new side roof slopes. As a result, the completed development is considered to be bulky in both scale and form and seen as an incongruous form of development as viewed towards the rear elevation of this prominent site, which sits parallel to The Whiteway. As a consequence, the works which have been constructed at 7 Boxfield Green have a significant and detrimental impact on the character and appearance of this property as well as the visual amenities of the wider street scene.
- 2.6 Further to the above, the new roof lights which have been installed cause a substantive loss of privacy to No.8 Boxfield Green which abuts the side boundary of the site, as they directly overlook the rear garden and elevation of the neighbouring property.

3. RECOMMENDATION

- 3.1 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 removal of the dormer window construction, namely the white clad dormer walls and associated internal structure supporting this, re-instating the original roof slope profile with tiles of a matching material, and the removal of the unauthorised roof light on the eastern side roof slope facing No.8 Boxfield Green. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- 3.2 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.
- 3.3 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.

4. REMEDY REQUIRED

- 4.1 Within six months of the date of any Enforcement Notice served, the entirety of the dormer window be removed and the original roof reinstated to its original form in terms of profile and finish, and the eastern facing roof light in the first floor extension be removed and the roof slope completed in accordance with the approved plans of 17/00734/FPH or as otherwise agreed by the Local Planning Authority.

5. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents associated with reference 17/00638/CLPD and 17/00734/FPH.
2. Stevenage Borough Local Plan 2011-2031 (2020)
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.