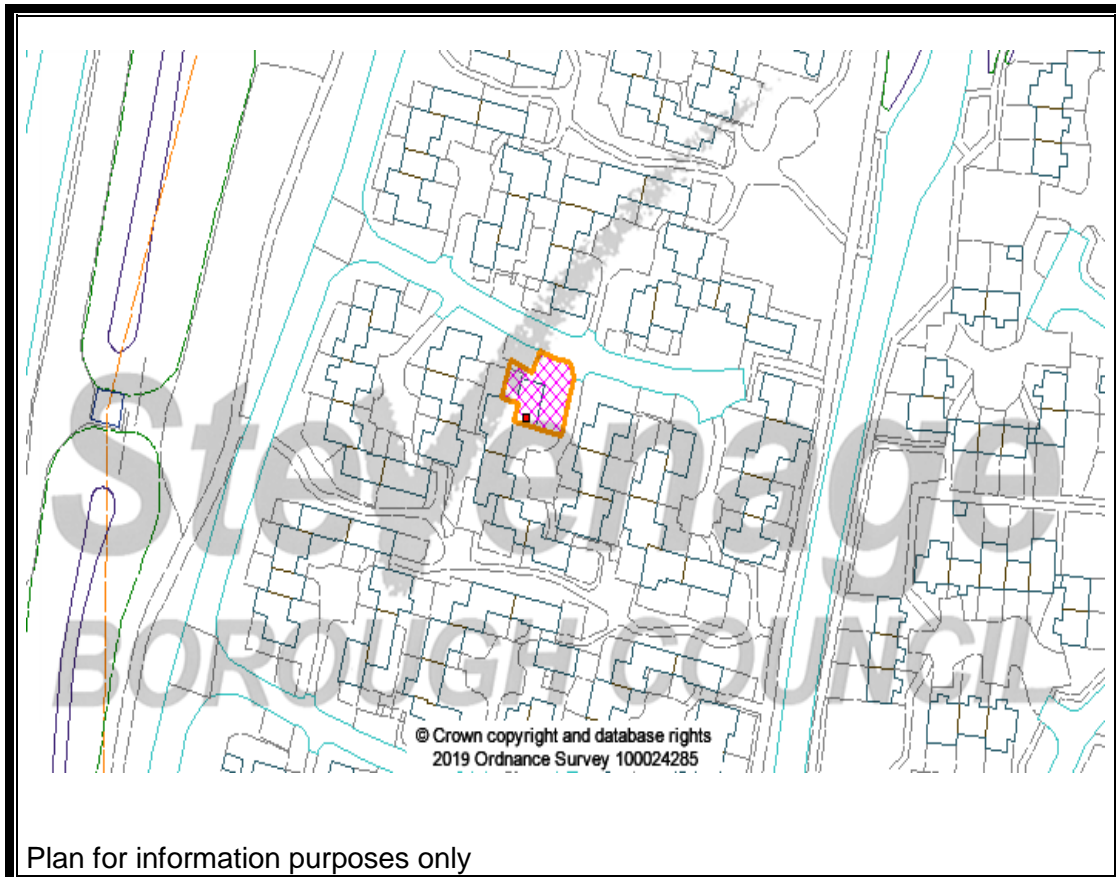


Meeting: Planning and Development Committee
Agenda Item:
Date: 11 January 2022
Author: Linda Sparrow 01438 242837
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Linda Sparrow 01438 242837

Application No:	21/01149/FP
Location:	36 Hastings Close, Stevenage
Proposal:	Single storey front extension and change of use of land from public amenity to private residential
Drawing Nos.:	2021/42/01; 2021/42/02
Applicant:	Stevenage Borough Council
Date Valid:	25 October 2021
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is a one bedroom semi-detached bungalow on the southern side of Hastings Close which is in the ownership of Stevenage Borough Council (SBC). The property occupies the corner plot at the entrance to a small cul-de-sac. The property has a small private rear garden on the western side of the dwelling and there is a fairly large area of grass at the front (east) of the property. This area of grass and shrubs is also in the ownership of SBC. To the north-west of the property is a small area of communal car parking. The attached neighbour of No.35 is a two storey dwelling which joins to the application site by way of a cat-slide roof from its front elevation. The application property's kitchen window is adjacent to the neighbour's front door and directly overlooks their front curtilage. The property is constructed of buff coloured bricks with a dual pitched tiled roof.

2. RELEVANT PLANNING HISTORY

- 2.1 None.

3. THE CURRENT APPLICATION

- 3.1 The application seeks permission for a single storey front extension and creation of one disabled parking space. Both elements of the work would be constructed on the SBC owned public highway land and would therefore require a change of use from public highway land to private residential land.
- 3.2 The proposed extension would measure 3.1m deep, 6.7m wide, 2.5m high to the eaves and 3.5m high to the ridge with a hipped roof and would provide one bedroom, storage and entrance hall.
- 3.3 The disabled parking space would measure 2.8m wide and 5.4m long.
- 3.4 The application comes before the Planning and Development Committee as Stevenage Borough Council is the land owner and there have been objections to the proposal.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letters and the posting of a site notice. Comments have been received from Nos.9, 14, 31, 32 and 35 Hastings Close. A summary of the comments raised is as follows:

- Would adversely affect the character and appearance of the area;
- The occupier of No.35 has maintained this land and it should be retained as is;
- Unacceptable amount of noise and disruption during building works;
- Construction traffic will block the access roads;
- Property should be allocated 'as is' and not altered to fit proposed occupiers;
- Block paved driveway that will be altered is owned and shared by all houses in the cul-de-sac – what assurances do we have this won't be damaged?
- Do not need another disabled space;
- As the person who has maintained this area, at personal expense, why was I not informed this land would be developed?
- Will No.17 be enlarged as well?
- Not enough one bed bungalows in the Town so why are the existing ones being changed?

- 4.2 Please note that the above is not a verbatim copy of the comments which have been received. To view a full copy of the objections which have been received, they are available to view on the Council's website.

5. CONSULTATIONS

5.1 SBC Estates Services

- 5.1.1 No objections raised; the land is designated as adopted Highway which will require a stopping up order to remove the highway status.

5.2 Herts County Council as Highway Authority

- 5.2.1 This level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. Therefore the highway authority would not wish to restrict the grant of planning permission.

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 July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that 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 and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

- 6.3.1 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 GD1 - High Quality Design;
Policy SP8 - Good Design;
Policy IT5 - Parking and Access;
Policy NH6 - General Protection for Open Space.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020;
Stevenage Design Guide Supplementary Planning Document January 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 in the determination of this application are the loss of the open space, the impact on the character and visual amenity of the area, impact on neighbour amenity and car parking provision.

7.2 Loss of the Open Space

- 7.2.1 The area of land in question is currently in the ownership of Stevenage Borough Council and is designated as an area of informal open space and is protected by Policy NH6 of the adopted Local Plan. Policy NH6 for general protection of open space states that the loss of unallocated open space should have regard to the quality and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.

- 7.2.2 The area of land in question is sited immediately adjacent the eastern, western and northern elevations of the property, in an L-shape. It measures approximately 7.3m deep off the front elevation of the dwelling, runs at approximately 15.3m long across the front of the property and is approximately 13.2m deep across the northern elevation.

- 7.2.3 The land currently forms an area of informal grassed amenity land with adopted highway status. The area of land in question is predominantly laid to grass with some shrubs planted against the north and east elevations of the property. A number of small wooden crate planters have been placed sporadically on the land and it has been edged all the way round with buff pavers. It is our understanding from the comments received that the owner of No.35 Hastings Close has been maintaining this area and it is he who has created the paving edging and the planters.

- 7.2.4 Whilst the land is open in nature, with no access restrictions, it is too small to be considered an area of meaningful open space for leisure activities by members of the public. Further, given its situation, immediately adjacent the application property it has the appearance of a private front garden. It is acknowledged that given the private maintenance of this public space, it does present a very pleasant visual appearance in the street scene.

- 7.2.5 The application does not propose to remove the public status of all the land, but rather only enough to erect the small extension and create one parking space. The remainder of the land would remain as it is and is considered to be large enough after development to still have a positive impact on the street scene.

- 7.2.6 The loss of the small amount of amenity space within the larger area of land is not considered to detrimentally impact the form and function of the surrounding structural open space. Larger more useable areas of open space and woodland are located within reasonable proximity of the site. In Policy terms therefore, the change of use this area of amenity land is considered acceptable.

7.3 Design and Impact on Visual Amenity

- 7.3.1 In terms of design, Paragraph 126 of the NPPF (2021) states that “*the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development*”, whilst Paragraph 130 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 then goes on to re-iterate that “*development that is not well design should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents*”
- 7.3.2 Paragraph 130 of the NPPF also states that “developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. It is recognised that there is likely to be a significant increase in the aged population within the Town with a trend towards elderly and disabled residents to stay in their own homes rather than move into a residential institution or retirement home. As a result, more new homes will need to meet, and existing homes be adapted to meet, accessible and adaptable standards. In this regard, the Council are proposing to adapt an existing property within their housing stock to meet the needs of an existing tenant who requires an accessible dwelling.
- 7.3.3 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design. The Council’s Design Guide SPD (2009) generally reflects the aforementioned policies, whereby it seeks development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.3.4 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.3.5 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.

7.3.6 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;
- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

7.3.7 The proposed front extension has been designed to be subservient to the host dwelling with a lower ridge line, a hipped roof to reduce bulk and is set off the boundary with No. 35 by approximately 2.7m. It would be constructed of matching brickwork and roof tiles to ensure a cohesive design that minimises the impact on the visual amenities of the street scene.

7.3.8 The proposed extension would be highly visible in the street scene from a number of public vantage points. It is acknowledged that there are no other extensions of this type in Hastings Close, however, each application is assessed on its own individual merits. The extension would not project beyond the northern side boundary of the property and so would not extend beyond this established building line which forms the main line of housing along the length of Hastings Close. There is no such building line on the front (east) elevation as the properties in the cul-de-sac follow the u-shape curve of the road and the application site sits almost entirely forward of the attached neighbour. The cul-de-sac by its nature is not a through road, and is fairly short, truncated by the neighbouring properties so that the proposed extension would not interfere with an open street scene.

7.3.9 Accordingly, the proposed extension is not considered to unduly harm the visual amenities of the street scene. Additionally, the proposed change of use is not considered to visually harm the character of the area. A large amount of land would be retained. The northern most section of the land would not have buildings or enclosures erected and so would retain the openness of the main highway of Hastings Close that is currently enjoyed.

7.4 Amenity of Neighbours

7.4.1 The proposed extension would be set in approximately 2.7m from the southern side boundary which adjoins No.35. In this regard, the attached neighbour would not have sight of the extension from their front entrance or rooms at the front of their house. The neighbour to the north, No.9 Hastings Close is approximately 17m from the proposed extension and the new bedroom window in the northern side elevation which is considered to be a sufficient distance such that no detriment would occur to the privacy of the occupiers of either dwelling. There are no windows proposed in the front elevation overlooking No.29 to the east.

7.4.2 The existing front entrance door on the eastern elevation would be relocated; whilst it would remain on the same eastern side of the dwelling, it would be turned 180-degrees to face south. However, owing to the set back of the extension from the boundary, it would not interfere with the access to No.35.

7.4.3 For these reasons, the proposed extension is not considered to harm the amenities of neighbouring properties.

7.5 Car Parking and Highway Impacts

- 7.5.1 The application site is currently a one bedroom dwelling which requires one parking space. The proposal would increase the number of bedrooms by 1, resulting in a two bedroom dwelling. This would require 1.5 spaces, rounded up to two. The property does not currently have any off-street car parking spaces so we would seek the net gain of one space.
- 7.5.2 The application seeks to provide one car parking space. This space is shown on the plans to be a designated disabled space which measures 2.8m wide and 5.4m long. This is 0.4m wider and 0.6m longer than a standard parking space to allow for disabled persons to enter and exit the vehicle safely. Hertfordshire County Council as Highways Authority have assessed the application and raised no concerns or objections in relation to the development.
- 7.5.3 Comments were received relating to the block paved access road being altered which is a private access, with shared responsibility of the houses who use it for access to their dwellings. The submitted plans do not indicate that this shared driveway will be altered. The existing footpath which serves the application site will be relocated so a new dropped kerb for this will be required but this is the extent of the work. Any legalities arising from this work would be for the owners and the Council as developer to deal with under the relevant laws and legislations.

7.6 Other Matters

- 7.6.1 Comments have been received relating to the maintenance of the land by another local resident, with the consent of the Council. The ongoing maintenance of this land would be a matter for the Parks and Amenities department to deal with and any arrangements which may be in place are not a material planning consideration.
- 7.6.2 Comments received regarding why the property is being enlarged are not a material planning consideration. The property is in the ownership of the Council and the decision as to which properties are enlarged/altered or not is down to the housing and investment departments, depending on tenant requirements.

7.7 Equalities Impact Statement

- 7.7.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.7.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.7.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.7.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 7.7.5 In terms of inclusive access, the proposal seeks to adapt SBC housing stock to meet the needs of an existing disabled tenant in order that they may continue to live independently.

8. CONCLUSIONS

- 8.1 It is considered that the change of use from amenity land to residential garden accords with adopted policy and would not harm the character and visual amenity of the area, nor the amenity of neighbouring properties. The application is, therefore, recommended for approval.

9. RECOMMENDATION

- 9.1 That planning permission be GRANTED subject to the following conditions -

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

2021/42/01; 2021/42/02;

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 The materials to be used in the construction of the external surfaces of the single storey front extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance.

- 4 The parking space shown on drawing number 2021/42/01 shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the extension and shall be retained in that form and kept available for those purposes thereafter.

REASON:- To ensure that adequate parking facilities are available within the site and that there is no detriment to the safety of adjoining highways.

The Council has acted Pro-Actively for the following reason:-

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line 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.

INFORMATIVES

- 1 **Community Infrastructure Levy**

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

2 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

3 **Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at:

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

4 **Hertfordshire County Council as Highways Authority**

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

5 **Hertfordshire County Council as Highways Authority**

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

6 **Hertfordshire County Council as Highways Authority**

Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

7 **Hertfordshire County Council as Highways Authority**

Stopping up of the highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up Order, to be made by the Secretary of State for the Department of Transport, under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at:

https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14 and on the government website:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>.

10. 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, Stevenage Design Guide adopted October 2009, Developer Contributions adopted March 2021, The Impact of Development on Biodiversity adopted 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
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.