

ITEM NO: 6.7	<u>Location:</u>	123 High Street, Kimpton, SG4 8QN
	<u>Applicant:</u>	Mr Cash
	<u>Proposal:</u>	Single and two storey rear extension to existing dwelling. Erection of 4 bedroom end of terrace dwelling (as variation to application no. 04/01246/1)
	<u>Ref.No:</u>	08/00729/ 1HH
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period : 29 May 2008

Reason for Delay

Current workload.

Reason for Referral to Committee

Objections raised by Parish Council contrary to officer recommendation.

1.0 Relevant History

- 1.1 In 2003 an outline application was withdrawn for a new dwelling and vehicular access.
- 1.2 In 2004 planning permission was granted for a 3 bedroom dwelling to create a terrace of 3 dwellings, 2 parking spaces and new vehicular access. Addition of front porch to existing dwelling.
- 1.3 Two applications were granted planning permission in 2007 to amend the above scheme with a new pedestrian access to the footpath and the repositioning of two parking spaces in the front garden to serve existing dwelling.

2.0 Policies

- 2.1 North Hertfordshire District Local Plan No 2
 Policy 5 - Excluded Village
 Policy 26 - Housing Proposals
 Policy 55 - Car Parking Standards and supplementary planning document: Vehicle Parking Provision at New Development.
 Policy 57 - Residential guidelines and Standards
 Planning Policy Statement 3 - Housing

3.0 Representations

- 3.1 Hertfordshire Highways - does not wish to restrict the grant of permission subject to 3 conditions relating to the provision of the turning area, the car parking facilities and hard surfacing materials.
- 3.2 Kimpton Parish Council - "Recommend refusal due to overdevelopment of plot. Site will now have 7 bedrooms within the 2 dwellings requiring 5 car parking spaces on site, There is a lack of turning circle for vehicles on the site and linear car parking at the back of 3 vehicles will be difficult to achieve."

- 3.3 Local Residents - The occupier of 125 High Street, Kimpton does not object to another house, but to 3 parking spaces to the side of their back garden fence, due to noise and pollution and require to be assured that no windows would overlook their house to the side.

The occupiers of 121 High Street draw to our attention the on going legal case pertaining to the legal right of way to No. 121 over the applicant's land and to the drawings showing a tunnel between their properties that does not exist. They have not yet complied with the Party Wall Act 1996. They oppose any application that interferes with their rights to access. Our attention is drawn to the presence of a man hole in the middle of the proposed extension. Also draws our attention to a rainwater well and communal water main running to the rear of the applicant's house, and to a covenant in the Deeds prohibiting the construction of a separate dwelling.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 123 High Street is an end of terrace house, adjoining No. 121 to the east. To the west is No 125 High Street at a distance ranging from 3.6 metres to 5.5 metres to the proposed house. Kimpton is a village that is excluded from the Green Belt. Construction has started on site and work has reached to the top of the ground floor. This is lawful as it has not deviated from the planning permission granted in 2004.

4.2 Proposal

- 4.2.1 The proposal is a variation on the previous permission. The current permission is for a three bedroom house as a continuation of the existing row of terraces. The rear projects beyond the rear elevation of the original terraces by 3.5 metres, for the full width at ground floor level and for part of the width of the house at first floor level. The reason it was proposed to be stepped in was to allow good light to the rear of the existing No 123.
- 4.2.2 The proposal involves the extension of both 123 High Street and the proposed house, both would be 3.5 metres deep. For the proposed house the first floor projection would be increased to the full width of the property, creating a fourth bedroom. The existing house would have a two storey rear extension. It would be approximately 1 metre from the adjoining property No 121 at ground floor level and stepped in from the side by 2.5 metres from No 121 at first floor level.
- 4.2.3 A third car parking space is proposed in front of one of the two already approved under the previous application for the new dwelling. This would be in the rear garden adjacent the side boundary with No 125. It is noted that the two car parking spaces to the front of No 123 are proposed to be slightly further towards the middle of the site, which was approved in 2007.

4.3 Key Issues

- 4.3.1 The key issues relate to any effect upon neighbouring residential amenity and any parking/highway considerations.
- 4.3.2 The proposal involves the demolition of the applicant's outbuilding, which adjoins the outbuilding of No 121 and I can see no objection to that. Kitchen and bathroom windows are noted in the rear elevation of No 121 close to the boundary with the application property. The occupiers of No 121 raise no objections to loss of light to their property and I can see no sustainable planning objection to this aspect of the proposal either. This neighbour's primary concern relates to a right of way they

have over the applicant's land. However, this is not a planning matter, but a civil matter and does not, therefore, amount to a reason to withhold planning permission. Locations of a communal water main, rainwater well and man hole may be relevant to water authorities or Building Regulation, but again would not amount to a reason to withhold planning permission. Covenants in the Deeds are a civil matter not a planning matter. The application shows a passageway between Nos 121 and 123, which has planning permission, but has not yet been built. I feel this should be shown on the drawings as it would be part of the completed scheme.

- 4.3.3 The distance to No 125 has been mentioned in paragraph 4.1.1 above. It has no windows in the side elevation. Patio doors with window above are noted in the rear elevation on the side closest to the application property. Side windows are proposed in the new dwelling, two at ground floor level serving the dining area and secondary window to the living room. These are also present on the approved scheme and boundary fencing would obscure views at this height between the two properties. There is one side facing bedroom window at first floor level. The approved scheme shows two, one serving an en-suite and the other serving a bathroom. I would not expect the bedroom window to be obscure glazed as I would the bathroom and en-suit windows, however, the position of the window, midway along the depth of the building, is such that angles of view would be unlikely to amount to a significant loss of privacy to the rear garden of No. 125.
- 4.3.4 The occupiers of No 125 are concerned about noise and fumes that would be created by the cars parking to the rear of the property. The approved scheme showed two spaces here to serve a three bedroom property, whereas the current proposal shows three spaces, to serve a four bedroom property. Parking for the existing house would be in the front garden. Three spaces is not an unusual number for a dwelling and parking to the rear of the house is also not unusual. I feel that levels of noise and pollution that the neighbouring property would experience would not be beyond a commonly acceptable level and I can see no sustainable planning objection to raise on these grounds. I also note that this part of the property is hard landscaped and was usable for parking for No 123, before an application for a dwelling was first submitted here.
- 4.3.5 The Parish Council object to the parking arrangement and inadequate turning facilities, resulting in an over development of the site. As you know a three bedroom house with two parking spaces has already been accepted and commenced on this site. The issue to consider is whether the enlargement of the house to provide a fourth bedroom and the introduction of a third parking space would amount to over development of the site. The site for the new house is 8.2 metres wide and 40 metres long, excluding the shared front garden. The plot size for the existing dwelling is 5.8 metres wide by 40 metres long (excluding the shared front garden). The proposed dwelling can provide the maximum number of parking spaces and provide a turning area to the satisfaction of the Highway Authority. I do not, therefore, see any grounds to justify an over development of the site.
- 4.3.6 The proposed changes would not be visible from the High Street and I can see no objections to the appearance of the proposal.

4.4 **Conclusion**

- 4.4.1 That there are no sustainable planning objections to raise to the proposal.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be

in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the first use of the proposal the turning area and widened drive as shown on the approved drawing shall be provided and appropriately marked out within the curtilage of the site. The turning area shall be kept available solely for the use of motor vehicles and shall be permanently retained as provided thereafter.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

4. Before the occupation of the dwelling hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

5. The access shall be constructed in a hard surfacing material for the first 6 metres from the edge of the carriage way.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

6. Notwithstanding the provisions of Class A within Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, no windows other than those shown on the approved plan shall be inserted at first floor level on the west side elevation of the development hereby permitted.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

7. **Reason for Decision**

The dwelling and extensions hereby approved, would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity

of the locality or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan, as summarised below.

North Hertfordshire District Local Plan No 2

Policy 5 - Excluded Village

Policy 26 - Housing Proposals

Policy 55 - Car Parking Standards and supplementary planning document:
Vehicle Parking Provision at New Development.

Policy 57 - Residential guidelines and Standards