

<b>ITEM NO:</b> 6.8	<u>Location:</u>	Land adjacent to 11 Lindsay Avenue, Hitchin, SG4 9JA
	<u>Applicant:</u>	Mr D Kitchener
	<u>Proposal:</u>	Detached 3-bedroom dwelling; alterations to existing access and formation of new vehicular access from Lindsay Avenue (as amended by drawing nos. RAK/LIN/08/01A, RAK/LIN/08/2A and amplified by drawing no. RAK/LIN/08/03 received 10th June 2008)
	<u>Ref.No:</u>	08/00872/ 1
	<u>Officer:</u>	Tom Rea

**Date of expiry of statutory period :** 13 June 2008

**Reason for Delay** (if applicable)

Amended plans and Committee Cycle

**Reason for Referral to Committee** (if applicable)

The application has been 'called in' by a Member who has stated a material planning consideration on which he considers that a contrary view to the recommendation may be reached. The consideration of the application by the Committee may also enable members of the public see any conditions recommended and an opportunity for the Committee to add additional conditions if necessary.

## **1.0 Relevant History**

1.1 None

## **2.0 Policies**

### **2.1 Central Government Advice**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement PPS 3: Housing

### **2.2 East of England Plan (May 2008)**

Policy H1: Regional Housing Provision 2001 to 2021

### **2.3 North Hertfordshire District Local Plan No. 2 with Alterations**

Policy 8: Development in Towns  
Policy 21: Landscape and Open Space Patterns in Towns  
Policy 26: Housing Proposals  
Policy 55: Car Parking Standards  
Policy 57: Residential Guidelines and Standards

## **3.0 Representations**

3.1 **Hertfordshire Highways:** Recommends conditions (on amended plan)

- 3.2 **Site Notice/Adjoining occupiers:** Letters received from the occupiers of Nos 28 Broadmead, 4, 5, 7, 9, 10, 13, 15, 23 Lindsay Avenue raising the following points :
- Out of character with the area by reason of height, size and siting
  - Overbearing and overshadowing to neighbouring property
  - Large 4 bed house not in keeping with the neighbourhood
  - Parking out of keeping
  - Hazard to highway safety from vehicles reversing/manoeuvring and increased congestion
  - Parked cars will result in an obstruction for emergency and service vehicles
  - Parking out of keeping
  - Loss of light to adjacent property
  - Encroachment of and loss of privacy due to short back to back distances
  - Concern over storm water drainage
  - Restrictive covenants may exist on the land
  - Conditions should be imposed if permission is granted to prevent additional windows, restrict hours of working, no obstruction of access
  - Not good for the local environment
  - Interruption to main services
  - Inadequate parking spaces and vehicle access/inadequate amenity space
  - Trees shown on plans are in neighbouring gardens
  - Foundations may be affected of neighbouring buildings

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

4.1.1 The triangular shaped application site (256 sqm) lies between No. 9 and No. 11 Lindsay Avenue, currently forming part of the side and rear garden of No. 11. The site has an overall depth of 33m and a rear garden boundary width of 15.5m narrowing to 2.4m in width at the front of the site where it abuts the pavement to Lindsay Avenue. The site slopes upwards from the highway frontage to the rear boundary with a 4.8m change in levels. The site is open with no significant trees within it however there are other trees and hedges along the site boundaries in adjoining gardens.

##### **4.2 Proposal**

4.2.1 The application, as amended, proposes the construction of a detached three bedroom house to be sited centrally within the plot set back 12m from the front boundary and 12m from the rear boundary. The dwelling would be sited a minimum of 1m from the side boundaries with the adjacent dwellings. The gap between the flank wall of the new house and No. 11 Lindsay Avenue would be 2.4m.

4.2.2 The proposed two storey dwelling would be 8.9m deep and 7.1m wide overall narrowing to 5.5m towards the front main wall. The amended design shows a hipped roof with a maximum ridge height of 7.3m. There are no first floor side windows. Pedestrian access is at the front and two tandem parking spaces are allocated at the front of the site together with a small soft landscaped area. A retaining wall is provided around the side and rear of the dwelling and the existing ground level reduced so that the dwelling sits at a slightly lower level than No. 11.

4.2.3 Materials to be used include facing brickwork at ground floor level, render at first floor level and roof tiles to match the adjoining dwelling.

4.2.4 The application is accompanied by a Design Statement and signed unilateral undertaking.

### 4.3 Key Issues

4.3.1 Taking into account central government policy guidance, development plan policy and the comments received from third parties referred to above I consider that the main issues to be taken into account in the determination of this application are as follows:

\* Whether residential development on this site is acceptable in principle bearing in mind the site location and development plan policy.

\* Whether the design and layout of the scheme is of a sufficiently high standard taking account of the context of the site and the existing form of development in the area.

\* Whether the proposed development would protect the amenities enjoyed by residents who live in the surrounding area.

\* Access and car parking issues.

#### 4.3.2 The principle of residential development

The application site, formerly part of the side and rear garden to No. 11 Lindsay Avenue, is in an area designated as part of a residential area of Hitchin (HR 9). Given the general allocation in the local plan as a housing area and the advice in PPS 3 to increase the delivery of housing on sustainable, brownfield sites such as this one I consider that there could be no objection to residential development in principle.

#### 4.3.3 Design in relation to the context

Government guidance on design is contained within Planning Policy Statement (PPS) 1 'Delivering Sustainable Development' and PPS 3 'Housing'. Paragraphs 34 of PPS 1 and 13 of PPS 3 state that *'design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'* PPS 3 also requires new development *'to be well integrated with and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access'*. PPS 3 also requires *'a design led approach to the provision of car parking space, that is well integrated with a high quality public realm and streets that area pedestrian, cycle and vehicle friendly'*. PPS 3 does not set a maximum density for new housing and argues that more intensive development is not always inappropriate and that imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment.

4.3.4 The proposed dwelling on a 0.0256 ha site amounts to a net development density of just over 39 dwellings per hectare (dph) which is similar to the density of the surrounding, mainly semi-detached, housing. Density is however only one aspect for consideration and I consider that the density of this development should be judged in association with design and layout issues and the relationship with the character of the surrounding area.

4.3.5 The proposal is for a two storey detached dwelling of a traditional form and appearance. Lindsay Avenue is characterised by a mix of house types ranging from traditional semi-detached houses, semi-detached chalet bungalows and detached bungalows. Detached dwellings are located in Broadmead at the rear. Taking into account the mix of dwellings in the locality which include two storey dwellings I consider that the proposed dwelling would not be unsympathetic to the prevailing pattern of development.

The layout is such that the dwelling is set back into the site several metres more than the majority of dwellings in the road however this has the benefit of reducing its impact so that it could not be considered intrusive or dominant in the street scene.

The footprint of the dwelling is similar in floorspace terms to the footprint of all of the adjacent dwellings and the scale of the dwelling is in proportion to the size of the plot and sympathetic to the height of adjoining dwellings this being evident by the street scene and site sections drawing (No. RAK/LIN/08/03) which demonstrates the visual impact of the development and its relationship to adjoining dwellings. It is considered that the design successfully achieves a balance between the two storey semi-detached dwelling at No. 11 and the semi-detached bungalow at No. 9 Lindsay Avenue and therefore I consider that the scale of the building is in keeping with the massing and general scale of surrounding buildings.

At the front of the site the appearance of the development is softened by the provision of a small garden area alongside the two parking spaces. This together with the setback of the dwelling from the road I consider that the proposal represents an unobtrusive form of development that does not dominate the street scene or detract from the character of the area.

4.3.6 With specific regard to design I consider that the traditional approach is in context with the majority of the surrounding buildings which are of a traditional suburban estate character. The fenestration pattern is simple and in proportion to the scale of the building and the hipped roof form typical of roof forms present in the locality.

4.3.7 The proposed dwelling would have private rear amenity space of over 140 sqm and the retained garden at No. 11 would also provide 79 sqm of private amenity space. This amount of amenity space provision, particularly in relation to the new dwelling, comfortably meets the recommended amenity space standards set out in Policy 57 of the local plan.

4.3.8 In general I conclude that the design, form and layout of this development successfully integrates with and complements the neighbouring buildings and the street scene in accordance with the advice in PPS 3.

#### 4.3.9 **Relationship with adjoining properties**

The proposed building would be located to the north of No. 9 Lindsay Avenue. The new dwelling would have a maximum ridge of only 1.8m above that of No. 9 and given the angled relationship of No. 9 to the application dwelling and the orientation it is concluded that the new dwelling would not have any overbearing impact on or loss of light to the occupiers of No. 9.

No. 11 is within the control of the applicants however No. 11 is to the east and north east of the new dwelling and a two storey extension to No. 11 would further reduce the impact of the development on that property. It should be noted that the eaves level and ridge height of the new dwelling is lower than that of No. 11.

No first floor windows are proposed. A lounge window on the south west facing elevation in the direction of No. 9 Lindsay Avenue will, due to the proposed ground levels, be well below the fence line and therefore no loss of privacy to No. 9 will occur. Permission to install first floor windows on any part of the flank elevations can be controlled by condition.

The dwelling has a 12m deep rear garden which together with the generous back garden depths of properties in Broadmead (average of 35m) more than meets the back to back distances recommended in Policy 57 of the local plan. Furthermore, the upwards slope of the back garden is such that even the first floor windows of

the new dwelling would be below the height of the rear boundary fence thus securing the privacy of the occupiers of properties in Broadmead.

4.3.10 The setback of the dwelling from the highway boundary is such that there would be no physical impact on the visual or residential amenities of residents living opposite the site.

4.3.11 I conclude that the development would therefore have an acceptable impact on the living conditions of adjacent occupiers.

#### 4.3.12 **Traffic and parking issues**

The proposed development would provide two car parking spaces per dwelling. The Council's adopted supplementary planning document 'Vehicle Parking Provision at New Development' sets out maximum car parking standards for new development. For the three bedroom dwelling such as proposed a maximum of 2.25 spaces would be required. The application site is, however, in a reasonably sustainable location being only several minutes walk to local shops in Ninesprings Way and Whitehill Junior School, Whitehill Road. Taking into account that the parking standards are maximum standards, the size of the dwelling and the sustainable location and the fact that unrestricted parking is available in Lindsay Avenue I can see no sustainable objections to the application in relation to car parking provision. It is acknowledged that there are some on street parking issues in Lindsay Avenue however this proposal provides the required parking off street utilising in part an existing crossover. It is also acknowledged that the access width to the new dwelling is narrow but at 2.4m this is equivalent to a standard parking space width and therefore is deemed to be acceptable.

4.3.13 Following the submission of amended plans the Highway Authority raise no objection to the development subject to the attachment of conditions securing the provision of a pedestrian visibility splay which can be achieved. The Highway Authority conclude that the development would not have an unreasonable impact on the safety and operation of the adjoining highway with the inclusion of the recommended highway conditions.

#### 4.4 **Conclusion**

4.4.1 On a strategic level this proposal would be consistent with the advice in the Regional Spatial Strategy and Government advice to deliver more housing and make more efficient use of urban land. On a detailed basis however, having regard to local plan policies and the advice in paragraph 16 of PPS 3, it is considered that this proposal achieves the provision of high quality housing in that the proposal:

- is accessible and well-connected to public transport and community facilities
- provides sufficient amenity and parking space
- is integrated with and complements neighbouring buildings
- is appropriate in terms of scale, form, density, layout and access
- creates a distinctive character that is well related to its surroundings.

Accordingly, it is considered that in the absence of any sound or clear cut reasons to refuse planning permission that permission be granted subject to conditions.

### **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 signed Unilateral Undertaking and 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. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.**

**Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A,B,C,D & E of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

5. 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 shall be inserted at first floor level on the side elevations of the development hereby permitted.

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

6. Before the access is brought into use a 1.0 metre x 1.0 metre visibility splay shall be provided and permanently maintained to the east side of the access. It shall be measured from the edges of the access way across the highway boundary 1.0 metre into the site and 1.0 metre along the highway boundary, thereby forming a triangular visibility splay within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway

level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

7. The access shall not exceed 4.8 metres in width.

Reason: In the interests of highway safety

8. The gradient of the access shall not be steeper than 1 in 12 for at least the first 5 metres from the edge of the carriageway.

Reason: To ensure that a vehicle is approximately level before being driven off and on to the highway.

9. The access shall be constructed in a hard surfacing material for the first 4.8 metres from the edge of the footway.

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

**Planning Informative:**

The applicant is advised that works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication 'Roads in Hertfordshire - a guide for new developments'. Before proceeding with the proposed development, the applicant shall contact the Development Control section at the Northern Herts Area Office (tel: 01438 757800) to obtain their requirements for the associated road works as part of the development. This should be carried out prior to any development works commencing.

**Reason for Decision**

The development hereby permitted is of an acceptable design and appearance and would not detract from the visual amenities of the locality, the amenities of adjoining occupiers or conditions of safety on the adjacent highway. As such, the development is considered to be in accordance with the following development plan policies:

**East of England Plan (May 2008)**

Policy H1: Regional Housing Provision 2001 to 2021

**North Hertfordshire District Local Plan No. 2 with Alterations**

Policy 8: Development in Towns

Policy 21: Landscape and Open Space Patterns in Towns

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