

**3/09/0883/FP - The subdivision of a dwellinghouse into two dwellings at 3 Benningfield Road, Widford, SG12 8RD for Mr S Hopking**

**Date of Receipt:** 30.06.2009

**Type:** Full

**Parish:** WIDFORD

**Ward:** HUNSDON

**RECOMMENDATION**

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

1. Three year time limit (1T121)
2. Boundary walls and fencing (2E023)
3. Hard Surfacing (3V213)
4. Retention of Parking Spaces (3V204)

**Directives**

1. Other Legislation (01OL1)
2. Highway Works (05FC2)

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, OSV2, ENV1, ENV2, ENV9, and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (088309FP.MP)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It comprises an existing semi detached property featuring cream render and white fenestration. Within the street scene the properties are of a similar architectural layout, form and design. The site is located within the built up area of the settlement of Widford.

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1.2 The proposal involves the division of the existing property 3 Benningfield Road to create 1 No. 2 bedroom dwelling and 1No. 3 bed dwelling. No alterations, including the insertion of windows or doors are proposed. An additional access for the new dwelling, combined with 2 parking spaces are proposed.

### **2.0 Site History**

2.1 The site history is as follows:-

- 3/01/1156/FP: 2 storey rear extension (approved with conditions);
- 3/97/1137/FP: Proposed porch (approved with conditions);
- 3/94/0686/FP: 2 storey extension (approved with conditions)

### **3.0 Consultation Responses**

3.1 County Highways have commented that the conversion is acceptable in a highway context. Sufficient off road parking is provided for and the construction of a new access to serve the existing property is acceptable. They also comment that Benningfield Road is a typical estate road and is capable of accommodating this scheme without detriment to highway safety or capacity. The Officer therefore confirms that they do not wish to restrict the grant of permission subject to a condition relating to the construction of the new crossover.

3.2 Environmental Health recommends that conditions are imposed on any grant of permission. The recommended conditions include construction hours of working, dust, bonfires and refuse facilities.

### **4.0 Parish Council Representations**

4.1 Widford Parish Council have no comment on the application.

### **5.0 Other Representations**

5.1 The application has been advertised by way of site notice and neighbour notification.

5.2 One letter of representation has been received from the occupiers of 4 Benningfield Road which can be summarised as follows: -

- Conversion of the semi-detached dwelling will turn it into a terrace which would be out of keeping with street scene;
- Impact of the proposed parking on neighbour amenity;
- Removal of landscaping to frontage of the site – impact on street scene
- No identified local need in accordance with Policy OSV2;
- Increase in on street parking provision, which would lead to highway safety issues;
- Does the application accord with the aims of Rural Area Policy?

## **6.0 Policy**

6.1 The relevant Local Plan policies in this application include the following:-

|      |   |
|------|---|
| OSV2 | Category 2 Village  |
| GBC3 | Appropriate Development in the Rural Area Beyond the Green Belt |
| ENV1 | Design and Environmental Quality                                |
| ENV2 | Landscaping   |
| ENV9 | Withdrawal of Permitted Development Rights                      |
| TR7  | Car Parking - Standards   |

## **7.0 Considerations**

### Principle of Development

- 7.1 The property is sited within the Category 2 village of Widford. In accordance with Policy GBC3 criteria e) and OSV2, a proposal involving infill development is, in principle, appropriate development. However, the wording of the aforementioned policies does not include the subdivision of a residential dwelling. Accordingly, the application is considered to be contrary to the policies of the Local Plan.
- 7.2 Whilst the principle of development is contrary to the Local Plan, it is a material consideration that, in effect, the proposal seeks a similar nature of development to an infill development. In Officers' opinion the proposal involving a subdivided dwelling to create an additional residential dwelling has the effect of creating a new residential dwelling within the category 2 village. It is considered that the subdivision of a dwelling into 2 dwellings is an appropriate form of development within the category 2 village of Widford and there is no significant departure from the overarching thrust of development within such a village, as set out in Policy OSV2.

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- 7.3 Furthermore, the application does not propose any extensions to the existing building and only minimal external alterations are proposed in relation to the provision of additional hard surfacing and boundary treatments. Accordingly, it is considered that the proposal would therefore not harm the openness of the rural area, or its character and appearance. Having regard to these considerations and those outlined above, Officers consider that a departure from Policy would be acceptable in this instance.
- 7.4 The main planning considerations in my view therefore relate to the impact of the development on the character and appearance of the building (including the neighbouring property), the street scene, neighbour amenity and parking provision.

#### Impact on the character and appearance of the building and street scene

- 7.5 The proposal does not include any additional openings, windows or doors for either of the dwellings created. The proposal will not therefore in Officers opinion, result in a significant impact on the character and appearance of the building.
- 7.6 In terms of the impact on the street scene and existing layout pattern of the road - an issue, raised within a letter of objection - it is considered that, taking into account the mixed form and layout of properties within the locality, the proposal will not be out of keeping and will not result in a significant impact on the street scene.
- 7.7 However, the proposed development does involve an additional opening to the front boundary of the site to create an access and additional parking facilities for the new dwelling which will inevitably involve the loss of an existing hedge, an issue also raised within a letter of objection. The hedge is however, not protected and is not considered to be a landscape feature of significant high quality which could be replaced in due course in any event. No objections are therefore made to the removal of this feature. The creation of an additional access and parking will create a more urban appearance to the frontage. However, taking into account the existing form and design of accesses within the street scene the proposal is not considered to be significantly detrimental in this case.

#### Parking provision

- 7.8 As outlined above, the proposal cumulatively involves a 1No. 2 bed dwelling and 1No 3 bed dwelling which, in accordance with the requirements of policy TR7 will require a maximum of 3.75 spaces to be provided. The application proposes 5 spaces in total (including the retention of an existing

single garage). Although this exceeds the maximum requirement of the aforementioned policy, given the site's rural location, such a level of parking is considered to be acceptable.

### Neighbour amenity

7.9 In terms of the impact on neighbour amenity, taking into account the nature of the proposal in relation to neighbouring properties, Officers do not consider that there will be a significant impact on neighbour amenity such as to warrant refusal of the application.

### Conditions

7.10 It is noted that Environmental Health recommend a number of conditions. Having regard to the advice in Circular 11/95 and the specific nature of the proposed development, those recommended conditions are not considered to be necessary in this case.

7.11 Other conditions relating to the development are however considered to be necessary in this case as follows:

- It is noted on the plans that a new one metre high fence is proposed to subdivide the plots – however no details of this or the boundary treatment to the frontage of the site are outlined. In my opinion it is appropriate and necessary for these elements to be conditioned;
- To ensure that adequate off street parking is retained (as required by policy TR7), it is considered that the imposition of a condition restricting the use of the parking is necessary;
- Related to parking provision is the need for hardstanding. To fulfill the requirements of the Highways Officer and in the interests of the appearance of the site, it is considered appropriate to condition the use of materials for hardstanding;

7.12 Officers are mindful of the requirements of Policy ENV9 relating to the restriction of permitted development rights. However, having regard to the garden amenity space that is proposed and the relationship with neighbouring properties, such a condition restricting permitted development rights is not considered to be reasonable in this case.

## **8.0 Conclusion**

8.1 Whilst the proposal is, in this instance, considered to be a departure from the Local Plan, taking into account the above considerations and the nature of the development, the proposed development is considered to accord with

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the aims and objectives of the Local Plans' policies for new residential development within a category 2 village. There is not considered to be a significant detrimental impact on the character and appearance of the building, street scene or locality and there is not considered to be a significant impact on neighbour amenity. For the reasons outlined above it is therefore recommend that planning permission is granted.