**11. 16/1488/FUL - Demolition of existing double garage and construction of replacement detached outbuilding , at 25 Langley Lane , Abbots Langley, Hertfordshire, wd5 0ls, for Mr Egan**

Parish: Abbots Langley Parish Council Ward: Leavesden

Expiry Statutory Period: 19 September 2016 Officer: Denis Toomey

Recommendation: That Planning Permission be Granted.

The application was called in by Abbots Langley Parish Council.

1. **Relevant Planning History**
	1. 8/932/86 - Vehicular access - Permitted - 30.01.1987
	2. 16/0925/FUL - Demolition of existing garage, subdivision of the site and construction of a detached bungalow fronting Shirley Road with associated parking - Withdrawn - 11.07.2016
2. **Site Description**
	1. The application site consists of a two storey detached property located along Langley Lane. The property is approximately 9m from the highway. The dwelling on the site consists of a white render exterior and a tiled roof. A detached garage is located to the rear of the site and with access from Queens Drive. A fence that measures approximately 1.8m in height separates the garage and the rear garden of the dwellinghouse.
	2. The property north of the site (No. 23 Langley Lane) is built on a similar land level and also has a similar rear building line in relation to No.25. The boundary between both these properties consists of an approximately 1.5m high wooden fence. Flats (Nos 1-4 Swallow Oaks) are situated directly west of the site. These flats are positioned approximately 8m from the existing garage. In addition to this there are further residential properties located south of the site which consist of semi-detached properties fronting Langley Lane.
3. **Proposed Development**
	1. The application seeks full planning permission for the demolition of existing double garage and construction of replacement detached outbuilding.
	2. The proposed replacement garage would contain the following dimensions; a depth of 6m, a width of 9m and a height of 3.5m. The garage would incorporate a pitched roof design with hipped elements either side. The front elevation would include two garage doors that provide access to the garage. The rear elevation would include a set of sliding doors and a set of patio doors that would serve access to the rear of the building. The garage would be set in from the side boundary to the west by 1.2m. The garage will be utilised as a garage and office/gym.
	3. The proposal would also incorporate moving the existing boundary fence. The fence would be sited to the east by approximately 0.9m and the new boundary fencing would result in a reduced rear garden to the rear of No. 25.
	4. Amendments were received on the 22 August 2016 with reductions in the height and width of the proposed garage.
4. **Consultee Responses**
	1. **Statutory Consultation**
		1. Hertfordshire County Council Highways: made the following comments:

*Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

*I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.*

*AN1 . Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.*

*AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council.*

*Planning Application:*

*The planning application for demolition of the existing garage and replacing with a new double garage/office/gym*

*Site and surrounding:*

*The site is located within the residential neighbourhood at the rear of 25 Langley Lane. The existing garage is fronting on to Shirley Road. Shirley Road is an unclassified local access road and the Langley Lane is C77 a secondary distributor road. 25 Langley Lane is the corner property of Langley Lane and Shirley Road junction which is a mini roundabout. On-street parking is prohibited by means of double yellow line.*

*Accessibility*

*The site is in a residential area.*

*Access and parking*

*The proposal is to utilise the existing crossover for the double garage and the applicant is not proposing any alteration to access*

*Conclusion*

*The proposed development is unlikely to have a material impact on the local and wider road network. Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory note.*

* + 1. National Grid: no comments received.
		2. Abbots Langley Parish Council: made the following comments;

*Members object to this application, being overdevelopment of the site. Any approval should include a condition that the building is retained as a garage in the future and remains subordinate to the original dwelling with no subdivision. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.*

* 1. **Public Consultation**

4.2.1 Number consulted: 10 Number of responses: 0

4.2.2 Site Notice: None required Press notice: None required

1. **Reason for Delay**
	1. Not applicable.
2. **Relevant Planning Policy, Guidance and Legislation**

6.1 The Three Rivers Local Plan:

 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include CP1, CP9, CP10 and CP12.

 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.2 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

6.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

1. **Analysis**
	1. Impact on Character and Street Scene
		1. Policy CP12 of the Core Strategy (adopted October 2011) relates to the ‘Design of Development’ and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
		2. Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respects the local distinctiveness. Policy CP12 of the Core Strategy relates to the ‘Design of development’ and states that the council will expect all development proposals to have regard to the local context and conserve or enhance the amenities and quality of an area in terms of density, character, layout and spacing, amenity, scale, height, massing and building materials.
		3. The proposed garage would replace an existing garage that is situated to the rear of No. 25 Langley Lane. The garage currently has a height of 2.8m and the new structure would contain a height of 3.5m. This increase in height of 0.7m would not result in demonstrable harm along the street scene as the area consists of buildings of various designs and heights. The new garage would contain a width of 9m. It is noted that the footprint is larger than the existing garage with a width 3 metres greater than existing. However, the garage is a single storey structure and would be set in from Queens Drive and it is considered that the additional height and width would not significantly increase the prominence of the structure.
		4. The garage would incorporate a pitched roof and materials that would not appear out of character. The outbuilding would retain the appearance of a garage and would not have a detrimental impact on the character of the street scene.
		5. The proposed glazing to the rear of the outbuilding would not be visible from the street scene.
		6. It is not considered that the proposal would result in demonstrable harm to the character or appearance of the application dwelling or area. As such, the proposed development is in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
	2. Impact on Neighbours
		1. Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
		2. The proposal would be set in from the western boundary by 1.2m and No’s 1-4 Swallow Oaks are approximately 8m from the boundary. As such, the garage would not appear overbearing relative to the residents at this property. The proposal does not seek to insert any flank glazing on the western elevation.
		3. The proposed outbuilding would be situated approximately 14m from No. 23 Langley Lane. It is therefore considered that this significant separation distance between the proposed outbuilding and this neighbouring property would ensure that no harm would be caused to the residential amenities of the residents at this property by virtue of overshadowing or loss of light. Furthermore the structure would be situated approximately 28m from the neighbouring properties directly south of the application site which are also separated by the highway. This significant distance from these neighbouring properties would prevent any harm to the residential amenities of the residents within these properties. As such given the scale of the development and separation distance, the structure would not appear overbearing to the neighbouring properties within the vicinity of the application dwelling.
		4. The proposed fenestration to the rear of the outbuilding would be directed towards the rear garden of the application dwelling faces the rear boundary with No. 23 and would situated approximately 5.5m from this boundary. No harmful overlooking would occur as the outbuilding would be directed towards the rear portion of the garden associated to No. 23 and the existing boundary treatment would provide sufficient screening.
		5. The development proposal would not result in any significant adverse on any neighbouring dwellings and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
	3. Amenity Space
		1. Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
		2. Whilst the rear garden would be reduced, the dwelling would retain a rear garden that would measure approximately 94sqm which exceeds standards for a property of this size.
	4. Highways, Parking & Access
		1. Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
		2. The application does not introduce an additional bedroom. To the front of the application dwelling there is hardstanding for two cars. The proposed development introduces a detached garage which will provide further onsite car parking to accommodate the application dwelling. Hertfordshire County Council Highways raised no objections but have requested informatives be added.
	5. Wildlife & Biodiversity
		1. Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
		2. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site and the Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.
	6. Use of Outbuilding

7.6.1 The proposed outbuilding will be utilised as a garage and gym/office which would be classed as incidental to the main dwelling. A condition will be included to any consent ensuring that the proposed outbuilding would be ancillary to the main dwellinghouse.

1. **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

 Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: DPL.99, DPL.01, DPL.02, DPL.03, DLP.04, DPL.05, DPL.06, DPL.07, DPL.07 (Existing Street Scene), DPL 08, DPL.08 (Proposed Street Scene), DLP. 09.

 Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

 Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The proposed outbuilding shall not be occupied or used at any time other than incidental to the enjoyment of and ancillary to the residential dwelling located on the site and it shall not be used as an independent dwelling.

Reason: The creation of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**8.2 Informatives**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I4 Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

I5 The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council.