**10. 17/1589/FUL – Change of use to residential curtilage and erection of 2m high boundary treatment at 37 LEMONIELD DRIVE, GARSTON, WD25 9TP for Mr & Mrs Young**

(DCES)

Parish: Abbots Langley Ward: Leavesden

 Expiry Statutory Period: 28 September 2017 Officer: Jake Shiels

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Called in by Abbots Langley Parish Council.

**1. Relevant Planning History**

* 1. None.

 **2. Site Description**

2.1 The application site comprises a two storey semi-detached dwelling, located on the east side of Lemonfield Drive, Garston. The application site has a curved boundary reflecting the bend in the road. The host dwelling has a yellow bricked exterior and a gable roof form. To the front of the dwelling is an area of hardstanding that can accommodate one parking space. To the rear of the dwelling is a single storey rear projection, an amenity space with an area laid to lawn and a number of sheds to the rear of the site. The dwelling also has an amenity space to the south flank of the dwelling which is adjacent to a row of garages adjacent to the site boundary to the east. The space to the flank of the dwelling contains a detached garage and is enclosed by close boarded fencing that bends around the site to the south west 2m in height. The existing boundary fencing is set back from the footway with a grass verge between the fence and footway.

**3. Proposed Development**

3.1 The applicant seeks planning permission for the change of use of existing land to residential curtilage and erection of a 2m high boundary treatment.

3.2It is proposed to re-site the fence line to a point 0.45m back from the footway. The existing grass verge would be incorporated within the dwellings private amenity space. The 0.45m space between the fence and footway would be laid with slate shingle. It should be noted that the land is within the ownership of the applicant.

**4. Consultation**

4.1 Hertfordshire County Council Highways Department: No objection.

 *“****Decision*** *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.*

 ***HIGHWAY INFORMATIVE:***

*Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN) Storage of materials: The applicant is advised that the storage 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/highways-roads-and-pavements.aspx*](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx) *or by telephoning 0300 1234047.*

***COMMENTS / ANALYSIS:***

*The application comprises of the realignment of the boundary fence to enclose part of the amenity verge into the curtilage of the property at 37 Lemonfield Drive, Garston. Lemonfield Drive is designated as a local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.*

*There is no new or altered vehicular or pedestrian access from the public highway and parking provision will remain unaltered. The proposed arrangements are shown on submitted plan number LFD/SK01/A and include the erection of a 2m high boundary fence stepped back from the back of the highway footway 450mm. The existing area of verge is within the ownership of the property and not a highway verge. Consequently HCC as Highway Authority has no objection to this land being incorporated to within the boundary fence. Nevertheless the applicant should check with Three Rivers District Council as to the acceptability of the loss of this amenity area.*

*Following consideration of the speed of traffic and designation of road, vehicular to vehicular visibility has been considered to be acceptable and in accordance with Roads in Hertfordshire and Manual for Streets. Furthermore the 2m high fence has been offset at either end to make sufficient provision for vehicular to pedestrian visibility.*

*HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the nearest highway. HCC has no objections or further comments on subject to the inclusion of the above highway informatives.”*

4.2 Abbots Langley Parish Council: Objection.

 “*Members object to the proposed enclosure of the existing grass verge with a 2 metre fence which will obstruct the view of oncoming vehicles on this bend in the road opposite a childrens play area and parking bays and also to the loss of an open green amenity space. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.”*

4.3 National Grid*:* No comments received.

 **4.4.** **Neighbourhood**

4.4.1 Number consulted: 6 No. responses received: 1

4.4.2 Site/Press Notice: N/A

4.4.3 Summary of response:

* Obstruction of views when exiting garages behind the application site and proposed fencing.

4.4.4 *Officer comment*:

Highway safety and access measures have been assessed by the HCC Highways Authority with an assessment detailed within this report at section 7.4.

5. **Reason for Delay**

5.1 No delay.

**6. 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 policy includes: DM1, DM6 and Appendix 2.

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.

**7. Analysis**

7.1 *Design and Impact on Streetscene*

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to protect the natural and built environment from inappropriate development and 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.

7.1.2 The existing fence is set back from the footway by between 2.8 and 5.9 metres and the existing grass verge is therefore visible within and contributes to, the character and appearance of the street scene of this part of Lemonfield Drive.  The proposed change of use of the land by virtue of the re-siting of the fence line, would result in the loss of this soft landscaped area from the street, however, it is not considered that its loss would result in demonstrable harm to the character or appearance of the street scene which includes examples of similar boundary treatments in terms of their proximity to the footway.  The prominence of the proposed fence would be reduced by its 0.45m set back from the footway with the intervening area comprising of a slate shingle.  It is also noted that the existing soft landscaping and planting within the front garden of the application site would be retained.

7.1.3   Subject to the re-sited fence being close boarded fencing 2m high as shown on the submitted plans, it is not considered that the proposed change of use to residential garden and re-sitting of garden fence would result in any significant adverse impact on the character or appearance of the host dwelling, street scene or area and the development would be acceptable 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).

* 1. *Impact on neighbouring amenity*

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD (adopted July 2013) comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

7.2.2   Whilst an area of green space would be lost, it is of limited size and whilst contributing to the character of the street scene, it is not used as an amenity space.  The re-sited fence would not be immediately adjacent to any neighbouring dwelling and as such it would not appear overbearing or result in any loss of light.  The development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3 *Landscaping Issues*

7.3.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.3.2 The application site is not within a Conservation Area nor are there any trees protected by a Tree Preservation Order on or near the site. Therefore the development would not result in the loss or harm to any protected trees.

7.4 *Highways and Parking*

7.4.1 Policy CP10 of the Core Strategy (adopted October 2011) requires development to provide a safe and adequate means of access and to make adequate provision for all users.

7.4.3 The Highways Officer has commented that the amended position of the fence would retain an acceptable standard of visibility along Lemonfield Drive.  The Highway Authority has therefore not identified any detrimental effect of the proposal on users of the highway and consequently it does not raise any objection to the application.  An advisory informative is requested.

7.4.4 Therefore, the proposal is not expected to result in significant impact on the safety and operation of the adjacent highway network.  As a result, it is considered that the proposal would be acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

7.5 *Amenity Space*

7.5.1 N/A.

7.6 *Biodiversity*

7.6.1 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.

7.6.2 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 the site is not in or located adjacent to a designated wildlife site. 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.

**8. 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: LFD/SK01 REV A, TRDC001 (Location Plan), TRDC002 (Block Plan), TRDC003 (Existing Section AA), TRDC004 (Existing Section BB), TRDC005 (Proposed Section AA) and TRDC006 (Proposed Section BB).

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

 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. Information and application forms are available at www.hertfordshirebc.co.uk. Alternatively the Council's Building Control section can be contacted on telephone number 01923 727130 or email building.control@hertfordshirebc.gov.uk.

 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.

 Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

 Where possible, energy saving and water harvesting measures should be incorporated. 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 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 development maintains/improves the economic, social and environmental conditions of the District.

 I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

 I4 The applicant is advised that the storage 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.