

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/14/00213/FULL</b>
<b>LOCATION</b>	<b>46 Maple Way, Kensworth, Dunstable, LU6 3RT</b>
<b>PROPOSAL</b>	<b>Construction of a garage on land in front of property.</b>
<b>PARISH</b>	<b>Kensworth</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>19 February 2014</b>
<b>EXPIRY DATE</b>	<b>16 April 2014</b>
<b>APPLICANT</b>	<b>Mr R Hoffman</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward Councillor Richard Stay for the following reason: The application amounts to overdevelopment and is in a location which would have a wholly negative impact upon neighbouring properties.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

### Summary of Recommendation

The garage would not constitute inappropriate development within the Green Belt, nor would it have a harmful impact upon the openness of the Green Belt. It would not have a detrimental impact upon the character and appearance of the streetscene or the amenity of surrounding residents and it would not have a material impact upon parking provision or wider highway safety. The proposal is therefore considered to conform with the National Planning Policy Framework, policies BE8 and T10 of the South Bedfordshire Local Plan Review, policies 27, 36 and 43 of the emerging Development Strategy for Central Bedfordshire and the Design Guide for Central Bedfordshire.

### Site Location:

The application site comprises the curtilage of a two storey detached dwelling located at and across most of the end of the eastern end of the cul-de-sac of Maple Way in the village of Kensworth. The site is flanked by No. 44 Maple Way and to the east, Craggs Holt, No. 2 The Hollies, accessed off Bakers Lane.

Kensworth is located within the Green Belt, however, it has a designated infill boundary and the site is located within the confines of this boundary. The site is also located within the Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

### The Application:

The application seeks planning permission for a single storey, detached, double garage to be located in the front garden of the dwelling. The garage is currently proposed to have a parallelogram footprint, however, negotiations are taking place with the application for the garage to be squared off. The outcome of these negotiations will be reported at the meeting. The garage would have a width of

5.45m and a depth of 5.5m. The roof would be dual-pitched with an eaves height of 2.4m and a ridge height of 3.8m. The garage would be positioned so the doors would face the dwelling. Three high level windows would be inserted into the west elevation.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (2012)**

#### **South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

GB3 Green Belt Villages

H8 Extensions to Dwellings

NE3 Control of Development in the Areas of Great Landscape Value

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, GB3 and H8 are still given significant weight. Policies NE3 and T10 are afforded less weight).*

#### **Development Strategy for Central Bedfordshire**

Policy 4: Settlement Hierarchy

Policy 27: Car Parking

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

*(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014.)*

#### **Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 4: Residential Extensions and Alterations, 2010

Design Supplement 7: Movements, Streets and Places, 2010

Local Transport Plan: Appendix F - Parking Standards

#### **Planning History**

None

#### **Representations:**

##### **(Parish & Neighbours)**

Kensworth Parish  
Council

Any comments received will be reported at Committee.

Neighbours (43 & 44  
Maple Way, 2 The  
Hollies, Bakers Lane)

Object to the proposals on the following grounds:

- The area where the garage will be located was a green area but has been converted into an area where old cars are broken up.
- Activities associated with the breaking up of cars have a detrimental impact upon the amenity of neighbours.
- The garage would result in the relocation of the

working area for cars, bringing fumes nearer to neighbouring dwellings, which could endanger the health of neighbours.

- The garage would have no windows so the doors would be open, resulting in noise disturbance to neighbouring residents.
- The garage would block light.
- The garage would appear an eyesore.
- The open area that would be retained by the angled shape of the garage would be used for rubbish bins and waste disposal.
- The garage would reduce the area available for parking on the site, which could result in parking problems within the cul-de-sac.
- There may not be sufficient room to allow vehicles to enter and exit the site in a forward gear.
- The garage could damage the trees and hedges that are in close proximity to the application site.
- The irregular shape of the garage would result in an odd-looking building.
- The existing garage on the site is not used, so why is there a need for a new one?
- The garage would be out of character with the area and would not be on an existing building line.
- The garage would not be used for private parking but to further the selling and dismantling of cars, which has caused environmental problems in the cul-de-sac.
- The garage would devalue the area.

### **Consultations/Publicity responses**

Highways Officer

The application proposes the erection of a double garage on land that is quoted to be former garden land and which is currently used for on-site parking.

No changes are proposed to the existing means of access to the highway and the number of on-site parking spaces will remain at four.

The proposed garage is shown to be laid out in rhombic form rather than square and the reason for this is unknown. Also the garage is shown to have a hardstanding of 6.7m in width between the front face of the garage and the front wall of the house.

This dimension is the absolute minimum recommended for a turning space in front of a garage and usually relies on having an area of over-hang (e.g. a verge) on the opposite side from the garage to provide easy manoeuvring.

However in this instance because there is an area of driveway to the side of the house, it is possible to

manoeuvre into/out of the garage. The proposal can therefore be considered acceptable in highway terms.

Notwithstanding this, I would advise that if the applicant ever intends to construct an extension to the side of the dwelling, it would be preferable for the garage to be set further away from the dwelling than currently shown. I note that there is some 1.5m available to the rear of the garage and if it was to be set back, this would provide additional manoeuvring space to the front of the garage.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

- 1 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason

To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

Tree and Landscape  
Officer

It was noted that there is a Sycamore tree located just outside the boundary of the site, within the neighbouring property of 67 Common Road, and that the garage would be located within the Root Protection Area of this tree.

There are also mature trees along the eastern boundary in the property of Craggs Holt, which also have an RPA that extends in to the site.

As there would likely to be a requirement for special foundations anyway given the shrinkable nature of the local soil type and history of close proximity to trees, I would be prepared to raise no objection to the proposal on the provision that the following condition is imposed:-

Provision of Special Foundations

Prior to development, full details of special foundations shall be submitted to the Local Planning Authority for approval, which shall have been prepared by a suitably qualified engineer, which clearly demonstrate that the rooting-medium and rooting-system of all off-site trees will be protected from damage or root asphyxiation. The

construction of special foundations shall consist of a pile and beam configuration, using the smallest diameter piles possible, and with the beams suspended over the existing soil surface.

**REASON**

To safeguard the rooting-system and rooting-medium of off-site trees by avoiding the need to excavate, or impose changes to soil levels around adjacent trees, in order to maintain their health, safety and anchorage.

## **Determining Issues**

The main considerations of the application are:

- 1. Green Belt Considerations**
- 2. Design Considerations and Impact on the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV)**
- 3. Impact on Residential Amenity**
- 4. Parking and Highway Safety**
- 5. Other Issues**

## **Considerations**

### **1. Green Belt Considerations**

Kensworth is located within the South Bedfordshire Green Belt. It is identified within Policy GB3 of the South Bedfordshire Local Plan Review and Policy 4 of the emerging Development Strategy for Central Bedfordshire as having infill boundaries, within which limited infilling and redevelopment will be permitted.

Section 9 of the National Planning Policy Framework (NPPF) states that within the Green Belt only certain types of development would be permitted, with development falling outside the specified categories being considered as inappropriate development, harmful by definition. Among these categories of development which may be permitted, which are set out in paragraph 89 of the NPPF, is limited infilling within villages. As the site is located within the infill boundaries of Kensworth village, and the development would be for a single storey building within a built-up residential area, it is considered that the proposed garage would not constitute inappropriate development within the Green Belt.

It is also necessary to consider the impact of the proposal on the openness of the Green Belt. It is noted that the proposed garage would be clustered with an existing garage located within the grounds of No. 2 The Hollies, with a similar height, depth and roof design. It is thus considered that the proposal would not have a detrimental impact upon the openness of the Green Belt.

The proposal would not constitute inappropriate development and would not have a detrimental impact upon the openness of the Green Belt; the proposal is therefore considered to accord with Section 9 of the NPPF, policy GB3 of the South Bedfordshire Local Plan Review and policies 4 and 36 of the emerging Development Strategy for Central Bedfordshire.

## **2. Design Considerations and Impact on the Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV)**

As noted above, the proposed garage would be clustered with an existing garage located in the garden of No. 2 The Hollies of a very similar scale and design. The proposed garage would be of an appropriate scale and design for its function and location and would not appear dominant or out-of-keeping within the streetscene.

As noted above, discussions are taking place to square off the proposed garage as it is considered that a squared garage would have a lesser impact on the streetscene and would allow the creation of a landscaped area between the garage and the street. A landscaping condition is proposed to ensure that this area would be created and maintained.

As reported by the Tree and Landscape Officer, the garage has the potential to impact upon surrounding trees. However, this impact can be avoided by the imposition of a suitable condition requiring special foundations, and it is recommended that this condition is imposed. The Tree and Landscape Officer is satisfied that, providing the recommended condition is imposed, there would not be a detrimental impact upon the surrounding trees.

It is therefore considered that the proposed garage would not have a detrimental impact on the character and appearance of the site, the streetscene and the wider Area of Outstanding Natural Beauty or Area of Great Landscape Value and thus the proposal is considered to conform with policies BE8, H8 and NE3 of the South Bedfordshire Local Plan Review and policies 43 and 58 of the emerging Development Strategy for Central Bedfordshire.

## **3. Impact on Residential Amenity**

It is noted that there is activity taking place at 46 Maple Way including the renovating of cars, which has been raised by a number of neighbouring occupiers as negatively affecting their amenity through the generation of noise, fumes and traffic and results in the front garden of the subject dwelling appearing untidy. This activity is currently being investigated by the Council's Enforcement team to determine if this is a business, which would require planning permission in its own right, or a hobby, carried out by the occupiers of the subject dwelling in an ancillary capacity to the residential occupation of the site. It is not the purpose of the current application to determine or anticipate the outcome of this investigation. Should the activity be determined to be a business, a separate planning application would be required to consider whether or not the business can continue.

Should the investigation determine that the activity is ancillary to the domestic occupation of the property, and therefore can continue without planning permission, it is considered that the proposed garage would not materially exacerbate the environmental impacts which have been a subject of complaint. Furthermore, the garage may offer a level of mitigation against these impacts, as the activity could take place within the garage instead of on the forecourt, thus reducing noise and providing a place for vehicles to be kept without cluttering up the front garden of the subject dwelling.

It is considered that, as a result of the scale and positioning of the proposed garage, it would not result in the overshadowing of any neighbouring dwellings. It would also not appear overbearing to any neighbouring occupiers. The doors to the garage would face the subject dwelling and the windows would look into the street, and thus there would be no loss of privacy to surrounding occupiers.

It is considered that the proposed garage would not have a detrimental impact upon the amenity of neighbouring occupiers and thus the proposal is considered to be in accordance with policies BE8 and H8 South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

#### **4. Parking and Highway Safety**

The comments of the Highways Officer are noted and confirm that the garage would be capable of parking two cars, although it should be noted that the garage would not have sufficient dimensions to meet the standards set out within Design Supplement 7 for garages and therefore would not be considered as providing off-street parking spaces. However, there would be four spaces retained on the site in the form of the existing garage, the space in front of it and the two spaces on the forecourt of the proposed garage and thus the Council's residential parking standards would continue to be met at the site.

The Highways Officer has confirmed that the proposal would allow space for cars to access the proposed garage. It is therefore considered that the proposed garage would not have a detrimental impact upon the safety or free-flowing of the highway network.

#### **5. Other Issues**

##### **Human Rights issues**

The proposed garage raises no Human Rights issues.

##### **Equality Act 2010**

The proposed garage raises no issues under the Equality Act 2010.

#### **Recommendation**

That Planning Permission be GRANTED subject to the following:

#### **RECOMMENDED CONDITIONS**

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with 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 external finish of the walls and roofing materials to be used for the garage shall match that of the existing dwelling as closely as possible.

Reason: To ensure that the development is in keeping with the existing building.

(Policies BE8 & H8, SBLPR and Policy 43, DSCB).

- 3 **No development shall take place until full details of special foundations have been submitted to and approved in writing by the Local Planning Authority. The details shall have been prepared by a suitably qualified engineer and should clearly demonstrate that the rooting-medium and rooting-system of all off-site trees will be protected from damage or root asphyxiation. The construction of special foundations shall consist of a pile and beam configuration, using the smallest diameter piles possible, and with the beams suspended over the existing soil surface. The development shall be constructed strictly in accordance with the approved details.**

**Reason: To safeguard the rooting-system and rooting-medium of off-site trees by avoiding the need to excavate, or impose changes to soil levels around adjacent trees, in order to maintain their health, safety and anchorage.**

**(Policies BE8 & H8, SBLPR and Policies 43 & 59, DSCB).**

- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

(Policy T10, SBLPR and Policy 27, DSCB).

- 5 **No development shall take place until a landscaping scheme, to include soft landscaping between the garage and the highway, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March). The plants shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping in the interests of the visual amenities of the area.**

**(Policy BE8, SBLPR and Policy 43, DSCB).**

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002, CBC/003, CBC/004, CBC/005.

Reason: For the avoidance of doubt.



**Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended for approval for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

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