

Item No. 11

APPLICATION NUMBER	CB/15/04821/FULL
LOCATION	15 Torquay Close, Biggleswade, SG18 0FS
PROPOSAL	Extension to Garage
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Benjamin Tracy
DATE REGISTERED	16 December 2015
EXPIRY DATE	10 February 2016
APPLICANT	Mr K Goldsmith
AGENT	Richard Beaty(Building Design)Limited
REASON FOR COMMITTEE TO DETERMINE	Application Call-in by Cllr Jane Lawrence for the following reasons: <ul style="list-style-type: none">• Over development: over development;• Highway safety grounds: will lead to increased on-street car parking;• Parking: loss of off-street parking leaving inadequate parking space at the property and increase pressure on parking in the neighbourhood; and Other: there may be relevant covenants to restrict development.
RECOMMENDED DECISION	Recommended to APPROVE the application for planning permission.

Reasons for Recommendation

The principle of the enlargement of an existing residential dwelling is acceptable. The existing three bedroomed dwelling house benefits from the parking for three vehicles, one of which within a garage. The existing garage is below the recommended size for new garages as outlined by the Central Bedfordshire Design Guide (2014), however the garage is considered to be of a size capable of parking a car and as such is accepted as a car parking space. The dwelling house as a result of the proposed development would still benefit from three car parking spaces, two of which within the enlarged garage. The enlarged garage would not accord with the recommended size of new garages for the parking of two vehicles, however the enlarged garage is capable of providing for the parking of two vehicles and as such the proposed development would maintain three car parking spaces, exceeding the minimum number of two car parking spaces as required for a dwelling house of this size by the Central Bedfordshire Council's Design Guide (2014). The development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore the proposed development is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework.

Site Location:

The site consists of a semi-detached dwelling house and its curtilage, located to the east of Torquay Close.

To the South of the site is the attached neighbouring dwelling house known as No. 17 and to the north of the site is the neighbouring dwelling house known as No. 11.

The Application:

The application seeks planning permission for a front extension to the existing detached garage. The garage as a result of the proposed development would adjoin the host dwelling house projecting 3 metres beyond the northern side elevation of the dwelling house. The garage as a whole would externally measure: 10.6 metres deep; 3.25 metres wide; 4.6 metres high; and would have an eaves height of 2.4 metres (as measured from ground level). The internal dimensions of the garage would internally measure 2.75 metres wide by 10.2 metres deep.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance

Core Strategy and Development Management Policies (November 2009)

CS14 High Quality Development
DM3 High Quality Development

Central Bedfordshire Design Guide (2014)

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Relevant Planning History:

Application Number	CB/10/02080/FULL
Description	Full: Erection of 37 dwellings, roads and sewers.
Decision	Grant of Planning Permission
Decision Date	19/11/2010

Consultees:

Biggleswade Council	Town	The Town Council has issued the following consultation response:
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It was resolved that the Town Council object to this Planning Application.

A request was made for this to be called in.

Highway Authority

The Council's Highways Development Control Officer, on behalf of the Highway Authority has issued the following consultation response:

Please note that Torquay Close is private, non adopted highway, and is not going through the Section 38 process. However it may be prudent for the applicant to contact the developer regarding the proposal in case the developer wishes the site to go through the section 38 process at a later date.

The existing dwelling has three tandem parking spaces adjacent to the dwelling. This comprises of a 5.6m internal length garage with 11.0m in front of the garage. The proposal is to extend the garage length to 10.6m internal length with 6.0m in front of the garage, which allows for a vehicle to pull clear of the footway and the residents to also gain access to the garage door. Although the garage does not comply to current standards, the existing garage does not either, it will be possible for two vehicles to park within the garage, however please be aware that parking will be very tight and bumper to bumper, and if the applicant has a 'tall' vehicle the garage door may contact the vehicle when opening and closing. The proposal provides for two very tight spaces in the garage and one in front (three spaces).

It may be beneficial to lengthen the garage by another 0.5m with a roller shutter door so a vehicle can pull clear of the footway and the residents still access the garage door. Or keep the existing garage and replace the proposal with a car port. Either of these can be conditioned in any permission issued.

Other Representations:

Neighbours

A number of written representations have been received relating to the neighbouring property known as No. 11 objecting to the proposed development.

The objections and comments raised are summarised as:

- No. 11's garden is bordered by two garage buildings relating to No. 9 and No. 15 as well as a third garage building to the south east;
- the proposed development would result in further overshadowing and loss of light to the garden of No. 11;
- the Maythornes development was very high density and the over development of the site has caused car parking issues;

- No. 15 currently park a vehicle on the highway, obstructing visibility from the access of No. 11;
- No. 11 does not have a garage due to the driveway layout;
- across the estate there are no double length garages;
- the garage extension is unacceptable in terms of the visual impact on the front facade and driveway of No. 11;
- the noise and disturbance cause by construction is unacceptable;
- the garage extension affects the driveway layout for No. 11 and increases the density of building;
- concerns relating to safety and security issues relating to excessive darkness at the top of the drive;
- the driveway will be dark and appear narrow;
- visitors to No. 11 require disabled access for entry and exit of vehicle;
- the construction will affect No. 11's driveway substrate;
- outlook from No. 11, would be unacceptably closed in;
- loss of car parking, garages do not count as car parking spaces;
- car parking spaces should be provided to satisfy adopted parking standards;
- the forecourt to the garage needs to be 6 metres in depth from the boundary;
- highway safety will be compromised with vehicles parking on the highway, and this would restrict access for emergency vehicles;
- there is already insufficient car parking on Torquay Close, the garages of properties upon Torquay Close are too small for the parking of vehicles and are not used, thereby they should not be counted as car parking spaces;
- the lack of car parking has resulted in on-street car parking on this narrow road;
- the garage dimensions need to be checked against the width of the car to be parked inside. Can the Mercedes be parked inside the extension, leaving enough space for the car doors to be opened? Is the garage extension too small for a car?
- the garage extension space will be used for storage and not for vehicular parking. The current garage on site is full and is used as storage space;
- the proposed garage extension roof is higher than the original single garage;
- the facing of the garage extension roof will be front facing which is different to the existing roof orchestration;
- the design is too dominant and overbearing. The proposed double garage extension is a bulky structure and will take up a considerable amount of plot floor

- space;
- the proposed garage is out of character with the other garages on the estate;
- the garage design would not match that of the attached neighbour No. 17 which is designed as a pair;
- the proposed extension is within the minimum 1 metre distance from the common boundary. We understand that no distinction is made between a driveway and property;
- there is drainage / soakaway running through the drive of No. 11;
- No access to No. 11 for builders during construction;
- restrictive covenants;
- a business in being run from No. 15 contrary to restrictive covenants that forbid using the dwellings as a business unit.

Full consultation responses are available to view.

Considerations

1. Character and Appearance of the area

- 1.1 The proposed development would form a single storey enlargement to the existing garage structure. The enlargement would project beyond the front elevation of the garage structure and the northern side elevation of the host dwelling house.
- 1.2 Concern has been raised in relation to the design of the enlargement which would feature a ridge height greater than the existing garage, however when considering the scale of the host dwelling house and the set back nature of the structure from the principal elevation of the dwelling house, the proposed development would appear as a subservient addition to the host dwelling house in accordance with the design principles outlined within the Central Bedfordshire Design Guide (2014).
- 1.3 Concern has been raised in relation to the design of the structure in relation to the garage serving No. 17 as a pair of semi-detached properties. It is noted that these neighbouring properties have been designed as a pair; however the subserviently designed development and the set back of the structure from the principal elevation of the host building would not result in a harmful visual unbalance to the pair of semi-detached properties.
- 1.4 Concern has been raised in relation to the visual impact of the development in relation to the visual narrowing of the parking area of No. 11 and additional shadowing of the structure in the context of visual amenity, however when considering the single storey nature of the proposed development it is considered that an acceptable separation would be retained between the neighbouring dwelling house No. 11 and No. 15.
- 1.5 It is considered necessary, relevant and reasonable to impose a precise and enforceable condition that would ensure the materials used for the construction

of the exterior of the enlargement would match as closely as possible those of the host dwelling house, in the interest of the visual amenities of the locality.

- 1.6 Subject to conditions, it is considered that the proposed development would not cause harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009). It is further considered that the proposed development would accord with Central Bedfordshire Council's Design Guide (2014) and the National Planning Policy Framework.

2. Amenity and Living Conditions of Neighbouring Properties

- 2.1 Concern has been raised in relation to the impact of the proposed development upon the neighbouring property known as No. 11 in relation to loss of light and overshadowing of the garden area; loss of outlook; and overbearing impacts. It is noted that No. 11's private amenity space is of an awkward shape due to the corner plot location of the dwelling and that the private amenity space is currently bordered on the north-eastern side by No. 9's garage and No. 15's garage on the southern side at a point where the garden of No. 11 is at its narrowest, which provides a sense of enclosure to No. 11's private amenity space.
- 2.2 The proposed enlargement would cause an increased sense of enclosure to the garden area of No. 11, however the proposed enlargement is sited largely to the side of No. 11 and at a point which No. 11's amenity space is at its widest. When the latter is considered, in relation to the single storey nature and scale of the proposed development, in addition to what can be achieved under permitted development (not requiring the express planning permission of the Local Planning Authority), it is considered that the proposed development would not cause an unacceptable overbearing impact.
- 2.3 It is noted that the large gable end of No. 15 as well as the garage of No. 15 would cause overshadowing to the garden areas of No. 11 at different points of the day and at varying degrees during the year and that the proposed development would cause a degree of additional overshadowing to the garden of this neighbouring property. However it is not considered that overshadowing of the garden area would form a justifiable sole reason for refusal of planning permission, as it is not considered that this impact would result in harm to the amenity and living conditions of the occupiers of No. 11.
- 2.4 When considering the scale of the proposed development, the orientation of the sun, the separation between the proposal and the neighbouring property No. 11 including the windows serving No. 11, it is considered in accordance with the 45 degree rule of thumb, that the proposed development would not cause an unacceptable degree of loss of light to a window serving No. 11 that forms the sole source of light to a habitable room. Therefore it is considered that the proposed development would not cause an unacceptable impact in relation to loss of light.
- 2.5 Furthermore; when considering the scale of the proposed development in relation to the location and orientation of windows serving No. 11, it is considered that the proposed development would not cause an unacceptable degree of loss of outlook.

- 2.6 Concern has been raised in relation to the impact of the development upon No.11 in the context of noise and disturbance during construction. Noise and disturbance resulting from construction can be managed and enforced by separate legislation and as such does not form a material consideration in the determination of a planning application, whereby such impacts would not form a reason for refusal of a planning application.
- 2.7 The proposed development does not include the installation of windows, however due to the proposed enlargement adjoining the host dwelling house, the enlargement as a whole, including the existing garage would benefit from permitted development rights under Schedule 2, Part 1, Class A of the Order, which allows for the installation of non-obscure glazed ground floor windows. When the latter is considered in relation to the absence of boundary treatment between the enlarged garage and the private amenity space of No. 11, it is considered in the interest of safeguarding the privacy of the occupiers of No.11, that it would be necessary, relevant and reasonable, to impose a precise and enforceable condition that would remove the permitted development rights for the installation of windows or other openings in the walls to form the northern side elevation of the enlargement to the dwelling house (enlarged garage).
- 2.8 For the reasons outlined above, subject to conditions, it is considered that the proposed development would not cause harm to the amenity and living conditions of the occupiers of No.11 or any other neighbouring dwelling, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Car Parking and Highway Safety

- 3.1 The existing three bedroomed dwelling house benefits from a single garage with a hardstanding of a scale capable for the tandem parking of two cars, whereby the existing dwelling house benefits from three off-street car parking spaces. According to the Council's Car Parking Standards as outlined within the Central Bedfordshire Design Guide (2014) a minimum of two car parking spaces are required to serve a three bedroomed semi-detached dwelling house. However three car parking spaces are suggested.
- 3.2 Concern has been raised in relation the scale of the proposed enlarged garage and the existing garage, in the context of the Council's garage and car parking standards as outlined within the Central Bedfordshire Design Guide (2014). It is noted that the internal dimensions of the existing garage structure is below the 3.3 metre (3.15 metre between piers) width, 7 metre length and 2.4 metre garage door width as specified on paragraph 5.05.13 of the Design Guide (2014), which seeks for new garages to be of a scale to allow for both the parking of vehicles and cycle parking / general household storage. However this document forms guidance only, the existing garage is considered to be of a scale that allows for the parking of a vehicle, as accepted at the date of the original planning permission for this development, which was decided in the context of the existing adopted development plan. The proposed development does not relate to the construction of a new garage.
- 3.3 The Highway Authority has stated that the existing garage is considered to be of a scale capable of being used for the parking of a car and as such is considered to form a car parking space. Furthermore; the Highway Authority has confirmed that the proposed enlarged garage is of a size capable of parking two vehicles.

Additionally; the proposed development retains a length of 6.0 metres in front of the garage, which allows for a vehicle to pull clear of the footway and the residents to also gain access to the garage door. As such it is considered that the dwelling house would be served by three off-street car parking spaces in total, as it is the case now, exceeding the minimum number of spaces required to serve the dwelling as outlined by the Council's Car Parking Standards within the Central Bedfordshire Design Guide (2014).

- 3.4 Therefore it is considered that the proposed development would not result in the loss of a car parking space, and the number of car parking spaces serving the dwelling would accord with the Authority's car parking standards. As such no highway safety implications associated with the parking of vehicles on street are considered to directly result from the proposed development.
- 3.5 Concern has been raised in relation to the size of vehicles currently used by the existing occupiers of No. 15, in relation to the size of the garage, as well as the parking habits of individuals and the use of garages as storage space. However the number, size and type of vehicles used by individuals at a particular point in time nor the car parking and storage choices of individuals form justifiable reasons for the refusal of planning permission. It is considered that the proposed garage is of a size capable of being used for the parking of two cars and the hardstanding capable of parking a third car. As such three car parking spaces have been provided.
- 3.6 Due to the enlargement adjoining the host dwelling house, the development would result in the integral garage benefiting from permitted development rights under Schedule 2, Part 1, Class A which would allow for external alteration and the conversion of the garage. It is noted that the permitted development rights of the dwelling house known as No. 15 Torquay Close and all other dwelling house on this development have not been removed by a planning condition imposed on a previous planning permission nor by an article 4 direction, whereby a single storey side extension can be constructed without planning permission that could remove all off street car parking provision for this dwelling house. Furthermore; it is also noted that the use of the existing garage has not been restricted to garaging accommodation by a planning condition, whereby the existing garage could be internally altered without express planning permission. The Authority's Car Parking Standards requires a minimum of two car parking spaces to be provided, and one of which can only be provided as a result of the development within the enlarged garage, therefore it is considered to necessary, relevant and reasonable to impose a condition that would ensure the enlarged integral garage would be retained as garage accommodation.
- 3.7 For the reasons outlined above, subject to conditions, it is considered that the proposed development would be acceptable within a car parking and highway safety context, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Equality and Human Rights

- 4.1 Based on information submitted there are no known issues raised in the context of Human Rights/ The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be **GRANTED** subject to the following Conditions:

- 1 The development hereby permitted 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the northern flank elevation of the proposed enlarged garage hereby permitted, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the enlarged garage accommodation hereby permitted shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority.

Reason: To ensure that adequate number off-street car parking spaces are provided in accordance with the car parking standards outlined within the Central Bedfordshire Design Guide (2014) and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 15.61.OSmap; 15.61.01; and 15.61.02.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. 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.

2. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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