

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/17/04783/FULL</b>
<b>LOCATION</b>	<b>1 St Johns Street, Biggleswade, SG18 0BT</b>
<b>PROPOSAL</b>	<b>Subdivision of annexe from main house to create a separate, dwelling.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Stephen Watkins &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Thomas Mead</b>
<b>DATE REGISTERED</b>	<b>03 October 2017</b>
<b>EXPIRY DATE</b>	<b>28 November 2017</b>
<b>APPLICANT</b>	<b>Ms H Turner</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in from Cllr Watkins on the following grounds: The garden space for the proposed dwelling is deemed insufficient but this is not against any adopted or published standard. The garden shortfall is only 2 square metres against the recommended standard. This could be addressed by a reduction of the space provided to the proposed dwelling. The bedroom of the proposed dwelling does have access to natural light (and ventilation)</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refusal</b>

### **Reason for Recommendation:**

The proposed development would result in a poor living standard through the insufficient external garden space and the poor quality of light output into the bedroom within the unit. The proposed development would also result in an insufficient garden space for the existing dwellinghouse, No. 1 St Johns Street with the space remaining being short of the prescribed external space standards outlined within the Central Bedfordshire Design Guide, and therefore for this reason, it is considered that the development would be contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009); and The National Planning Policy Framework.

### **Site Location:**

The application site consists of a two storey end of terrace dwellinghouse, and its curtilage which contains a detached building, located to the north of St Johns Street, and to the northeast of Sun Street. The site lies within the settlement envelope of Biggleswade.

To the east of the site is No. 3 St Johns Street, and to the northwest of the site is No. 8 Sun Street. To the northeast of the site is No. 7 Vickers Close.

### **The Application:**

The application seeks planning permission for a change of use of the detached outbuilding to a separate dwellinghouse. The application is made retrospectively due to the unit being occupied currently as an individual and separate dwellinghouse without planning permission, by residents unrelated to the main dwellinghouse, and this application therefore seeks planning permission to regularize the use as a lawful use.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

- CS1 Development Strategy
- CS7 Affordable Housing
- CS14 High quality Development
- CS16 Landscape and Woodland
- DM3 High quality Development
- DM4 Development Within and Beyond Settlement Envelopes
- DM14 Landscape and Woodland

**Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council’s website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

**Supplementary Planning Guidance/Other Documents**

**Central Bedfordshire Design Guide (March 2014)**

**Relevant Planning History:**

<b>Case Reference</b>	<b>CB/13/03343/NMA</b>
Location	1 St Johns Street, Biggleswade, SG18 0BT
Proposal	Non Material Amendment to Part first floor extension to the rear and pitched roof to existing single storey rear extension approved on CB/13/01922/FULL, dated 01/08/2013 amendment sought: retain flat roof to the existing single storey rear extension.
Decision	Non-Material Amendment - Granted
Decision Date	17/10/2013

<b>Case Reference</b>	<b>CB/13/01922/FULL</b>
Location	1 St Johns Street, Biggleswade, SG18 0BT
Proposal	Part first floor extension to the rear and pitched roof to existing single storey rear extension.

Decision	Full Application - Granted
Decision Date	01/08/2013

### Consultees:

Biggleswade Town Council	<p>It was RESOLVED that the Town Council OBJECT to this planning application on the following grounds:</p> <ul style="list-style-type: none"> <li>• Overdevelopment;</li> <li>• Lack of amenity space;</li> <li>• Lack of natural light;</li> <li>• Highways safety due to increased vehicular access on a corner</li> </ul>
Archaeology Officer	<p>The proposed development site lies at the northern end of the historic core of the town of Biggleswade (HER 17124) and under the terms of the National Planning Policy Framework (NPPF) this is a heritage asset with archaeological interest. However, the nature of the proposals is such that there will be no impact upon any surviving archaeological remains. Consequently, there would be no archaeological objection to this application.</p>

### Other Representations:

Neighbours	No third party neighbour responses have been received.
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### Considerations

#### 1. Principle of Development

- 1.1 Policy CS1 of the Core Strategy and Development Management Policies (2009) identifies Biggleswade as a Major Service Centre. Policy DM4 of the Core Strategy therefore determines that within settlement envelopes of Major Service Centres, that the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement.
- 1.2 As of 1st October 2017, the Council have demonstrated that they have a robust five year supply of deliverable housing, and now have a provision of 5.94 years. Therefore, policies which refer to the supply of housing within the development plan (such as Policies DM4, DM14 and CS16) are attributed full weight in the determination of such applications for housing.
- 1.3 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 1.4 The site lies within the settlement envelope of Biggleswade, in a sustainable location which is well connected to the centre of the town and therefore has sufficient access to services such as schools, shops and other forms of infrastructure, thereby making the location sustainable in accordance with paragraph 14 of the NPPF.

1.5 Therefore, it is considered that the proposed development would be acceptable in principle, subject to the proposed development causing no harm to the character and appearance of the area, causing no impact upon the amenity and living conditions of occupiers of neighbouring dwellings, providing an acceptable living standard and provision of amenity for the future occupiers of the dwelling, providing sufficient car parking and contributing positively to the safety of the highway and its users, in accordance with Policy DM4 of the Core Strategy and Development Management Policies (2009).

## **2. Character and Appearance of the Area**

2.1 The application seeks to change the use of an existing detached outbuilding from ancillary purposes to an independent dwelling, and would see no structural changes or alterations. Therefore the proposal would not result in any additional engineering or construction works. For this reason it is considered that the proposed development would not cause any harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

## **3. Amenity and Living Conditions of Occupiers of Neighbouring Dwellings**

3.1 The proposed change of use would see a split in the planning unit, with a fence separating the unit and creating space for the proposed dwelling. The provision of garden space remaining for the main host dwelling, No. 1 St Johns Road would be 40 square metres. The Councils external space standards outlined within the Central Bedfordshire Design Guide (2014) require that for a 2 bedroom dwellinghouse, that 50 square metres of external garden space be provided with a minimum depth of 10 metres, and therefore the garden remaining for No. 1 St Johns Street would be below the Councils space standard, and therefore would result in an insufficient provision of amenity space for the occupiers of the main dwelling.

3.2 Due to the single storey nature and modest height, it is considered that the structure would not give rise to an unacceptable loss of light, outlook, privacy or overbearing impact upon any neighbouring dwelling. However, the amenity space of the proposed new planning unit would be in close proximity to the rear gardens of No. 1 St Johns Street, and other rear gardens in the locality. Being in such close proximity and due to the relationship between the gardens being interlocked, it is considered that the proposed change of use would give rise to an unacceptable increase in noise and disturbance to the amenity and living conditions of neighbouring dwellings.

3.3 Therefore, for reasons outlined in paragraph 3.1, the proposed splitting of the planning unit would leave the main host dwelling, No. 1 St Johns Street with an insufficient provision of amenity space and would result in an unacceptable increase in noise and disturbance, and therefore a unacceptable living standard for the occupiers of the dwelling, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009), section 7 of the NPPF and would be further contrary to the Councils external space standards outlined within the Central Bedfordshire Design Guide (2014).

## **4. Amenity and Living Conditions of future occupiers of Neighbouring Dwellings**

4.1 The proposed development would see the change of use of a building used for

ancillary purposes to functions of the main dwellinghouse, to a separate and independent dwellinghouse. The unit would have one bedroom, and therefore the Council do not prescribe internal or external space standards. However, paragraph 17 of the NPPF states that all new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and that the space provided should be usable.

- 4.2 The unit would be left with a garden space measuring 4 metres in depth, and 8 metres in width, totalling 32 square metres. It is considered that the external space provided is insufficient, and would therefore provide the residents of the unit with a poor standard and provision of amenity space and living standards. The unit would be situated at the foot of the rear garden of No. 1, and would be separated by the two storey dwellinghouse by 8 metres, and therefore it is considered that the unit would be overlooked by the main dwelling and other surrounding neighbouring dwellings, and subsequently would not be considered to be private space. The main dwelling features a bedroom window in the rear elevation of No. 1 which would overlook the space to an unacceptable degree.
- 4.3 The unit would have one bedroom which is considered to be a habitable room, which only has one source of light serving the room in the form of a high velux window, close to the ridge of the unit. This is considered to be an insufficient provision of light serving the room, and would subsequently result in a poor living condition and substandard outlook within the structure for the future residents of the unit.
- 4.4 Therefore, as a whole, it is considered that the external and internal space provided within the dwellinghouse would result in a poor living standard and provision of amenity space for the future residents of the unit, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009).

## **5. Car Parking and Highway Safety**

- 5.1 The unit would provide one bedroom as part of the internal layout of the proposed dwelling, and therefore one on site car parking space would be required. The scheme has provided 2 spaces, which are located adjacent to the car parking spaces for the existing dwellinghouse. It is considered that the space provided would be insufficient to accommodate 2 spaces, and that only one can be provided, which would still satisfy the Councils Car Parking Standards outlined within the Central Bedfordshire Design Guide (2014), and the existing dwelling would still provide 2 spaces which also satisfies the Standards.
- 5.2 The intensification of the use of the site, and the increased number of vehicular movements to and from the site would create more movement over the public footpath. However, visibility over the footpath is achievable and therefore the development would not give rise to any adverse impacts upon the safety of the users of the highway.
- 5.3 Therefore, for reasons outlined above, it is considered that the proposed development would be acceptable in the context of Car Parking and Highway Safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009), and would further accord with design principles outlined within the Central Bedfordshire Design Guide (2014).

## **6. Equality and Human Rights**

- 6.1 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 **REFUSED**

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The external amenity and garden space provided for the proposed dwelling would be considered to be insufficient to provide the occupiers with a good quality of living. The external amenity and garden space would be overlooked by the main dwelling No. 1 St Johns Street due to the close proximity between the two units. The proposed bedroom would have one high velux window providing light into the unit, which is also considered to allow an acceptable provision of light into the room and would also result in a substandard outlook and would also contribute to the poor standard of living for the occupants of the unit, and therefore the proposed development would cause harm to the amenity and living conditions of future occupiers of the unit, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009) and section 7 of the NPPF.
- 2 The splitting of the planning unit into two individual dwellings would leave the existing dwellinghouse with an external garden and amenity space which would be short of the prescribed Design Guide Standards, and therefore the existing dwellinghouse, No. 1 St Johns Street, would be left with a poor and unacceptable living standard, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009) and would be further contrary to design guidance outlined within the Central Bedfordshire Design Guide (2014).
- 3 Due to the intensification of the use of the site, it is considered that the proposed development would give rise to an unacceptable harmful increase in noise and disturbance to the occupiers of all adjoining dwellings, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009).

### **INFORMATIVE NOTES TO APPLICANT**

1. 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) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application but did not agree to this. The Council has therefore acted pro-actively 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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