

**4/00421/15/ROC - VARIATION OF CONDITION 4 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00866/13/FHA (EXTENSION AND ALTERATIONS)..
BARNES CROFT, BARNES LANE, KINGS LANGLEY, WD4 9LB.
APPLICANT: Mr & Mrs Neal.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval. A previous planning permission allowed for modifications that would result in a gross external floor area of somewhere between 258.8 and 262.2 square metres (depending on how you interpret the plans). This proposal will result in a gross external floor area of 260.9 square metres. The proposal will not result in any increase in floor area and will not involve any reduction in the openness of the Green Belt when compared with the previously approved plans.

Site Description

The application relates to a residential property located on the southern side of Barnes Lane, Kings Langley. The site comprises a partly demolished and partly rebuilt two storey dwelling and detached garage. The area is rural in character and is located in the Green Belt. The site has agricultural farm land to the north, west and south and residential dwellings to the east. Barnes Croft is the last house on Barnes Lane as it leaves the village. The house is located on a prominent site as the lane dips down into a valley.

Proposal

The application seeks the following additional amendments to the proposals granted planning permission under 4/00866/13/FHA (extension and alterations) and 4/00627/14/ROC.

1. The front gable has been moved to the right and incorporates windows in its sides at ground and first floor level. The first floor window facing east is noted as being fixed shut and obscure glazed.
2. The roof has been further modified, as there were inconsistencies in the depiction of the roof on approved drawing 1168/08.
3. The small recess (187 mm) to the first floor rear elevation has been omitted and a half hip with tile hanging to the first floor below has been introduced at one end to retain articulation.

The previous plans contained inconsistencies which made construction of the approved scheme extremely difficult (see Appendix 1 for detailed explanation).

Referral to Committee

Based on the Parish Council Comments the Assistant Director, Planning, Development and Regeneration considered the application should be decided by the Development Control Committee.

Planning History

4/00627/14/RO VARIATION OF CONDITION 4 (APPROVED PLANS) ATTACHED

C TO PLANNING PERMISSION 4/00866/13/FHA (EXTENSION AND ALTERATIONS).
Granted
21/05/2014

4/00394/14/DR DETAILS OF MATERIALS REQUIRED BY CONDITION 2 OF
C PLANNING PERMISSION 4/00866/13/FHA (EXTENSION AND ALTERATIONS).
Granted
25/04/2014

4/01860/13/FH DETACHED GARAGE BLOCK
A
Refused
05/12/2013

4/00866/13/FH EXTENSION AND ALTERATIONS
A
Granted
03/07/2013

4/01431/12/LD DEMOLITION OF PARTLY COMPLETED EXTENSIONS AND
P CONSTRUCTION OF SINGLE STOREY SIDE AND REAR
EXTENSIONS AND FRONT PORCH. SOLAR THERMAL PANELS
TO REAR ROOF SLOPE. DETACHED GARAGE AND GARDEN
STORE TO SIDE OF DWELLING
Granted
25/09/2012

4/01004/12/FH CONSTRUCTION OF WALL AND GATES
A
Granted
30/08/2012

4/00385/13/PR EXTENSION AND ALTERATIONS
E
Unknown
25/04/2013

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS5 - The Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23,...
Appendices 1, 2, 3, 4, 5,6,7.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Kings Langley Parish Council

Original Plans

Noted.

Amended Plans

The Council OBJECTS to this application as:

- a) building under "permitted development" should not be allowed, per the original planning permission
 - b) the Council has still not seen a new application for the amended proposed development, as had been agreed.
- This advice was received on 2/9/15.

Subsequent advice was received from the Parish stating they had removed their objection - received on 29/9/15.

Response to Neighbour Notification

Original Plans (1168/15)

October Cottage - Objects: dated 26 February, 2015

- previous approval based on the permitted development "fall back position";

- the original property has been demolished so the fall back position of permitted development used to justify VSC for the original planning permission no longer exists and this should no longer be a material consideration;
- the fall back position is now the approved planning permission;
- the proposed development would lead to an increase in excess of 181.5% of the original dwelling;
- the existing garage is unlawful so cannot be used as an argument to make the development acceptable.
- the increase of the extensions are not compact and are not well related to the original dwelling;
- the extension is not well designed and does not retain sufficient space around the building to protect its setting and the character of the countryside;
- the applicant seeks to extend up to the extent of their site boundary and has left only a very small area of garden to the rear of the property;
- the setting is open countryside with views over the surrounding open fields. Previously Barnes Croft was a small scale modest residential building (like its neighbour);
- the proposal will allow for a large scale building which is not in keeping with its surroundings and which has a significant negative impact on the openness of the Green Belt;
- the partly constructed building is already affecting the perception of openness from October Cottage
- the alterations to the rear are not 'de minimis' as stated by the applicant as they substantially encroach on the Green Belt and reduce the openness that was previously apparent; and
- the approved ground floor plans could incorporate the required facilities if reconfigured.

Amended Plans (1168/15A)

October Cottage - objects: dated 6th May, 2015

- the amendments result in a minor and immaterial reduction to the proposed additional bulk of what is already a large and bulky building;
- the proposals appear to be over 2.7 metres wider at ground floor level and over 1m wider at first floor level than the approved scheme;
- the proposals retain inappropriate visual bulk;
- The extension to the rear ground floor is incongruous and is an uncomfortable projection. It is also not accurately represented in the front elevation as it appears to stand to a height of 4m, well above the flat roof;
- changes to rear elevation will increase the bulk and overdevelopment;and
- the proposal would result in a development with floor area approximately 120% of the approved plans resulting in a building approximately 250% larger than the original dwelling.

Amended Plans (1168/15B)

October Cottage - objects: dated 21 August, 2015

- the amended plans show changes to the elevations but result in only a minor reduction at ground floor level - this does not make it "appropriate" development.
- the proposal is still wider at ground floor and first floor level than the approved

scheme. There is no justification or very special circumstances demonstrated for further increasing the house by this size in the Green Belt;

- at first floor level the infilling to the front facade to create a bathroom creates an increase in bulk. This additional bulk should not be considered appropriate.
- the site location plan gives the impression that the land ownership includes the land between Barnes Croft and October Cottage. This land is not owned by the applicant and as such should not be viewed as amenity space in association with the dwelling.
- The proposed dwelling is still over 1 metre closer to October Cottage than detailed in application 627/14/ROC; and
- The proposal would have the appearance of having over double the width of the original house.

The Granary, Barnes Farm - supports

We feel the proposal would enhance our lane and be a compliment to the surrounding properties. Many of the properties have extended doubling the size of the original property and added buildings and garages. One particular property known as Windy Ridge has actually trebled in size over the years and is now a 6 bedroom house with large detached double garage.

No objections to the proposal and feel that planning permission should be granted.

South Barn - supports

Wish to fully support the application. The amendments proposed would be a great advantage to the property as the original house was very dilapidated and lacked design aesthetics. The proposals would bring the property up to the quality of construction and design and size to that of the remaining properties within Barnes Lane.

Amended Plans (1168/15C and legal advice)

October Cottage - objects: dated 4th December, 2015

- the latest plan iterations create a further increase in floorspace, increase the width of the building as well as introducing various elevational changes;
- any further increase of floorspace e.g. through increasing the width of the building will result in development with floor area over 200% larger than the original dwelling (now demolished) with no justifiable 'very special circumstances' case for inappropriate development within the Green Belt;
- to approve the scheme would be to set clear precedent for allowing inappropriate development in the Green Belt;
- the November planning statement states the figure of 258.8 square metres is the most logical floorspace when interpreting the incorrect plans. This floorspace should be compared with the floorspace which the Council assumed they permitted in planning permission Ref: 4/00627/14/ROC, which was approximately 246 square metres (ie. plan 1168/08 as drawn without the 'missing' room);
- an increase in depth as now proposed must be a material change requiring a fresh approach to determining the material impact on the Green Belt;
- further changes from 1168/08 include: further changes to the elevations and floor plans and most importantly further increases to the building's floorspace un-related to the inclusion of the room;
- they also intend to increase the width of the property for which there is no justification, by what our client has measured as being in excess of of 1 metre. In

total, our client considers the most recent plans to have a GEA of 274 square metres. This is not the same as 1168/08 plan plus the 'omitted room' which totals approximately 258 square metres (as per the applicant's planning statement) or the 260.9 square metres the planning statement claims 1168/15C to be;

- the legal opinion provided merely suggests that the permission approved with drawing ref. 1168/08, is not void and is a relevant fall back. The legal opinion states that against the backdrop, proposal 1168/15C 'seems fairly reasonable'. This is not a legal opinion which gives the Council clear evidence on whether to approve or not;
- If the applicant wants to build what they already have approval for plus the omitted room then this objection would be removed but the additional amendments which change the scale, bulk and massing of the proposal including additional width, windows and altered profile and roof scape cannot rely on the previous consent;
- even allowing for the 1168/08 (plus omitted room) scheme, 1168/15C results in a material increase in floorspace (understood to be approx. 16square metres) increasing the scale, bulk and mass without justification; and
- to approve the scheme would be to set clear precedent for allowing inappropriate development in the green belt.

Considerations

Policy and Principle

The site lies within the Green Belt where limited extensions to existing buildings will be permitted provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside.

Green Belt

As the site is located in the Green Belt it is important to consider the five criteria within saved Policy 22 of the DBLP. In this respect it is considered that:

- a) the scheme is compact and well-related in terms of the already approved dwelling, principally because it infills the small recess at the rear of the dwelling and infills the gap first floor above the study.
- b) the site would have a relatively small rear garden but there is land to the front of the dwelling which ensures maintenance of the approved spacious setting of the plot.
- c) based on the already approved plans the new scheme would not be any more visually intrusive on the skyline or the open character of the surrounding countryside.
- d) the current scheme would not prejudice the retention of any significant trees or hedgerows.
- e) the proposal can be considered limited in size.

Legal advice has been sought by the applicant to support the argument that drawing 1168/08, despite being incorrect, is still the fallback position in terms of floor space already approved. This legal advice has been considered by the Council's own solicitor who agrees with their interpretation of the law.

Drawing 1168/08 granted under planning application 4/00627/14/ROC established a fallback position against which this application can be assessed. There are two ways in which the approved elevations can be interpreted. The one which would result in the least number of inconsistencies is that the wall between the front wings sits over the footprint of the study below, as illustrated in Figure 1. The other is that the wall between the wings is flush with the front wall to the bedroom, as illustrated in Figure 2.

Depending on which interpretation is followed the established fallback has a gross external floor area of $(133.5 \text{ m}^2 + 116.2 \text{ m}^2 + 9.1 \text{ m}^2)$ 258.8 m² or $(133.5 \text{ m}^2 + 116.2 \text{ m}^2 + 12.5 \text{ m}^2)$ 262.2 m² respectively but the first interpretation is more logical and, therefore, carries greater weight.

The proposed modifications to the design of the house will result in a gross external floor area of 260.9 m², which falls between the two floor area figures that can be justified.

The proposal will not result in any increase in floor area and will not have a detrimental impact on the openness of the Green Belt when compared with the established fallback position.

Effects on appearance of building

As the building is currently half built and has the appearance of a building site this is difficult to assess. However when the proposal is compared with that which already has approval it is considered that the proposal will be similar in character to that already approved.

Impact on Street Scene

The proposal will result in a dwelling far larger than its neighbours to the east but as a similar sized dwelling already has approval under 4/00627/14/ROC it is difficult to state that the proposal will have a significantly greater impact than the approved dwelling.

Impact on Trees and Landscaping

There are no significant trees in proximity to the proposal.

Impact on Highway Safety

The means of access is not changing so there will be no impact on highway safety.

Impact on Neighbours

October Cottage to the east is the only neighbour in close proximity to the site.

There will be no loss of privacy for neighbours as any side windows facing east will be obscure glazed and permanently fixed.

The proposed development is not close enough to the nearest neighbour to result in a significant loss of sunlight and daylight.

RECOMMENDATION – That planning permission be GRANTED subject to the following conditions:

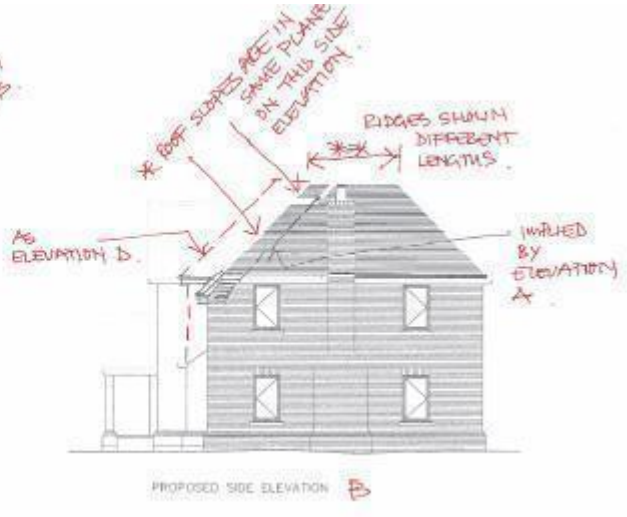
Appendix 1

The Agent's interpretation of the discrepancies on the approved plans.

Whichever way the elevations are interpreted the first floor element between the front wings must be a wall set further forward than indicated on the first floor plan and the window cannot be in a dormer. I have marked up the approved first floor plan showing where I consider the front wall is when the approved side elevations are considered. I have also drawn elevations showing my interpretation of what was actually approved.

It is not that the approved plans cannot be built but a question of interpretation given the discrepancies that exist. The two approved side elevations show a different position for the front roof slope for the section of roof between the two wings but if either were to be followed the front wall would be further forward than shown on the approved first floor plan. If the roof plane shown in Elevation B were to be followed it would mean that there would be a further hip in the main roof that is not shown and if Elevation D is followed it is clear that the first floor wall must be where shown on the elevation drawing I have produced. The repositioning and slight increase in the width of the front gable is simply a deviation from the approval but its repositioning takes it further away from the neighbour. The proposal as now submitted reduces the height of the front eaves and the bulk of the building when compared to the drawing I have produced that demonstrates what I consider has already been approved.

In my comments on the objection letters I noted that "If a logical interpretation is made an additional 9.1 m² was granted increasing the floor area of the fall-back position to 133.5 m² + 116.2 m² + 9.1 m² = 258.8 m². In fact based on the attached plan the granted floor area of the fall-back position is 133.5 m² + 116.2 m² + 12.5 m² = 262.2 m². The application proposal has a floor area of 270.2 m², an increase of only 7.8 m² or 4.4% when compared with the fallback position but has a reduced volume, if my interpretation of the approved drawings is accepted, of around 20 m³. When compared to the original floor area of 133.5 m² I confirm that the increase is 102%, compared with an increase of 96% for the fallback position.



RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11 and 12.

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes [A, B, C, D, E, F]
Part 2 Classes [A, B and C].**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to preserve the openness of the Green Belt and comply with CS 11,12 and CS 5.

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

1168 15C Proposed Plans and Elevations
Planning Statement November 2015
Legal Advice from IVY Legal Limited dated 5th November, 2015

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with CS 11,12 and 5.

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.