

4/00327/17/FHA - DETACHED TWO-BAY CAR PORT - RENEWAL OF PREVIOUS APPROVAL.

WHITE MEADOWS, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PF.

APPLICANT: M Byers.

[Case Officer - Elspeth Palmer]

Summary

The proposal is considered acceptable for the following reasons:

- the proposal would not have a detrimental impact on the Rural Area as it would be in character with the local area in terms of scale, design and materials.
- there is no well defined building line along Nettleden Road North thus allowing for small scale development to the front of dwellings;
- the demolition of outbuildings in 2016 to the rear of the site has reduced the overall footprint of development on the site;
- a previous approval was granted for an identical car port in 2003;
- the removal of Class E Permitted Development Rights;
- no significant trees will be affected by the proposal;
- the proposal will not have a negative impact on the nearby public footpath; and
- the proposal will not result in a detrimental impact on the CAONB or the Conservation Area.

It is considered that for the reasons outlined above there would be a gain for the character and appearance of the Rural Area, CAONB and the Little Gaddesden Conservation Area. By allowing the modest car port to the front of White Meadows, permitted development rights for outbuildings can be removed from the site and thus allowing the Planning Authority to have control on any future outbuildings proposed.

The proposed development therefore complies with the National Planning Policy Framework (2012), Policies CS7, CS10, CS11, CS12, CS24, CS25, CS27 Core Strategy (2013), Saved Policies 13, 22, 58, 79, 97, 99 and Appendix 5 of the Local Plan (2004).

The application is recommended for approval

Site Description

The site is located on the northern side of Nettleden Road, Little Gaddesden and comprises a detached two storey dwelling. White Meadows has a large front garden which is heavily landscaped around the perimeter of the site and between the site and the road is "The Green". The garden and "The Green" result in a significant set back from the road. The site is accessed via a lane which crosses "The Green" and serves a number of dwellings on this side of the road.

The site is located within the Rural Area, Chilterns AONB and the Little Gaddesden Conservation Area.

Proposal

The proposal is for a detached two bay car port - renewal of a previous approval for an identical proposal (see planning history below). Pile foundations will be used for the car port to the specifications recommended by the BS5837:2012.

The proposed car port will be 5 metres deep and 5.65 metres wide. The height to eaves will be 2.1 metres and to the ridge 3.9 metres.

The original proposal was for a slightly larger carport with a log store to one side. It was considered more appropriate that the scheme be amended to be identical to the one previously approved in 2003.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Little Gaddesden Parish Council.

Relevant Planning History

- 4/02524/15/FHA PROPOSED CONVERSION OF GARAGE FLAT ROOF TO HIPPED ROOF, ADDITION OF DORMER WINDOWS AND RELOCATION OF BIN STORAGE
Granted
01/09/2015
- 4/00027/14/TCA FELL TWO BEECH TREES
Raise objections
14/03/2014
- 4/01232/05/TCA WORKS TO SIX TREES
Raise no objection
19/07/2005
- 4/01590/03/FHA DETACHED CAR PORT (RE-SUBMISSION)
Granted
02/09/2003
- 4/02085/02/FHA REPLACEMENT ROOF TO EXISTING GARAGE AND DETACHED GARAGE
Refused
06/05/2003
- 4/01867/02/TCA WORKS TO TEN TREES
Raise no objection
23/10/2002
- 4/02136/98/4 TWO STOREY REAR EXTENSION
Granted
03/02/1999
- 4/01568/98/4 FELLING AND PRUNING TREES
Raise no objection
28/09/1998
- 4/01123/89/4 CONVERSION OF GARAGE TO LIVING ACCOMMODATION AND EXTENSION TO FORM EXTRA GARAGE

Granted
13/09/1989

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS7 - Rural Area
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS27- Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 22, 58, 79, 97, 99

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Little Gaddesden Parish Council - original comments

The site is in the Chilterns AONB. LG Parish Council is aware that previous application 4/01590/03/FHA was granted (now time elapsed) and that at that time there was no objection from the Parish Council nor by the owners of neighbouring properties.

However, the Parish Council feels unable to support this 2017 application on the grounds that White Meadows is prominently located along the Green in Little Gaddesden and the detached two-bay car port is sited well in front of the building line of the White Meadows property. Approval of such an application would therefore adversely effect listed buildings and the immediate conservation area and set a precedent regarding future similar applications along "The Green".

Little Gaddesden Parish Council - comments on amendments

In the absence of our Clerk I would like to reiterate Little Gaddesden Parish Council's objection to the amended plans for the above.

Our objection is on the grounds that the development is sited well in front of the building line, a reduction in size has no bearing on this point. I have consulted members of the LGDC Planning Committee and we are still of the opinion that this will adversely affect the area.

The site is in the Chilterns AONB. Whilst aware that the previous application in 2003 (now time elapsed) was approved, the Parish Council feels unable to support this amended application on the grounds that White Meadows is prominently located along the Green in Little Gaddesden and the detached two bay car port is sited well in front of the building line. Approval of such an application would therefore adversely affect listed buildings in the immediate conservation area and set a precedent regarding future similar applications for development in front of the building line along the Green.

Conservation and Design

On balance, the fact that a) it would be well screened b) had received planning permission previously and c) is a modest, traditionally designed 'cart shed' means that I would not fundamentally oppose the scheme.

Trees and Woodlands

Original comments:

The proposed Car Port is very close to 4 mature beech trees protected by a TPO. The proposed car port will be well within the Root Protection Area (RPA) of these trees and will cause considerable damage to the trees.

I recommend that no building activities take place within the RPA of these trees that I measured at a radius of 10 metres from the base of the trees. If the proposed car port can be positioned elsewhere and outside the RPA, I recommend that the RPA of these trees is protected by protective fencing in accordance with the recommendations of the British Standard 5837:2012, trees in relation to design, demolition and construction.

Amended comments:

Pile foundation if carried out to specifications recommended by BS5837:2012, would be acceptable to us. Provided there are no excavations within the RPA (with the exception of piles), I would have no objections to the positioning of the car port within the RPA.

Countryside Access Officer

On the application it states that no hedges or trees will be removed. If that's the case it appears pretty well screened. Is there room, if necessary to supplement this.

Highways

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 subject to the following conditions:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informative notes below. **CONDITIONS**

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

2. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

COMMENTS

This application is for a Detached two-bay car port.

PARKING

The applicant states that there are no changes proposed to parking levels

ACCESS

Access to the site is on Little Gaddesden Footpath, which is a public Right of Way, leading from Nettleden Road North, which is an unnumbered classified "C" road, with a 60mph speed limit.

The applicant is reminded that it is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways, subject to the informative notes and conditions above.

Contaminated Land

To be advised.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Kingsmere, Kingsdale Road, Berkhamsted - objects

We wish to object to the above application due to its size, location, bulk and effect it will have in a conservation area and an area of outstanding beauty.

The applicant refers to a previous approved application and includes plans from 2003.

We believe the size and bulk of building compared to the 2003 application, which from the officer's comments, does not include the wood store, will have a detrimental impact on the surrounding area.

We have significant concerns with regards to its impact upon trees within the Conservation Area as this building does not appear to be elevated, which was a requirement in the approved application, due the effect on the established trees.

The building is in front of the natural building line and will have a detrimental effect on the views from the pathways to the front and side, due its positioning, size and bulk.

The provision of this extra outbuilding within the curtilage of the residential property does not fit neatly within the policy framework set out within policies.

This significant structure, which is in addition to an existing garage and extensions, increases the footprint of the dwellings and outbuildings beyond the percentage allowed within DBCs policies in areas of outstanding beauty.

We ask you to refuse this application.

Considerations

Policy and Principle

Policy CS7: Rural Area, states that within the Rural Area limited extensions to existing buildings will be permitted provided that 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.

Policy CS24: The CAONB, states that the special qualities of the CAONB will be conserved.

Policy CS25: Landscape Character, states that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality and character.

Policy CS27: Quality of the Historic Environment, states that development will favour the conservation of heritage assets.

Impact on Rural Area

The proposed car port will be a modest, traditionally designed 'cart shed' located within 5 metres of the main dwelling. The carport will be to the front of the dwelling and near to the existing vehicular access onto the lane. The structure will be adjacent to a row of significant trees which will not be detrimentally affected by the proposal. The design, scale and materials of the car port will be in character with the surrounding dwellings.

The carport will not be visible from Nettleden Road as the site is heavily screened with vegetation both to the front and side.

Demolition of other outbuildings

The applicant demolished two outbuildings in 2016 (with a floor space of 10 square metres) which were located to the rear of his dwelling (shown on historical location plan which accompanied the original application). These buildings had been used for equipment and tools but had become dangerous. The tools and equipment that had been stored in these buildings is now being stored in the existing garage which has restricted the internal parking space and therefore prompted the renewal of the previous planning application for the car port.

Previous Approval

The Officer's Report for the previously approved carport justified its approval on the following grounds:

"The provision of outbuildings within the curtilage of a residential property does not fit neatly within the policy framework set out within policies 5 and 20 of the Dacorum Borough Local Plan 1995 and policies 5 and 23 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft. It may be considered acceptable as an extension to the dwelling under policy 20 (DBLP) and policy 23 (DBLP DD) given that the development is within 5m of the property or under policy 90 of the DBLP (policy 96 of the DBLP DD) as acceptable buildings within the AONB.

The proposed garage building is well designed and forms a high quality outbuilding within the Rural area. The proposed building is located appropriately having a close relationship to the parent building whilst utilising landscaping to limit its visual impact. In terms of policy 20 (DBLP) and policy 23 (DBLP) it would also be limited in size terms and would not result in a disproportionate addition above the size of the original dwelling. The Conservation Officer has raised no objections."

Permitted Development

A similar sized structure to the car port could be built under PD in rear garden.

The application provides the opportunity for removing such PD, thereby protecting the Rural Area from any further encroachment at this site without control.

Even though there are constraints to Class E permitted development in the CAONB the removal of PD Rights will still help to reduce any further encroachment at this site.

General Permitted Development Order Class E:

"E.2 *In the case of any land within the curtilage of the dwellinghouse which is within—*

(a) an area of outstanding natural beauty;

development is not permitted by Class E if the total area of ground covered by buildings, enclosures,

pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed

10 square metres.

E.3 *In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse."*

The applicant has agreed to the removal of Class E Permitted Development Rights in order to have permission to build their carport to the front of the dwelling.

Based on the above points it is not considered that the proposal will have a detrimental impact on the Rural Area.

Effect on Street Scene, CAONB and Conservation Area

The character of dwellings along Nettleden Road is varied but the common theme is that they are all well set back from the road with "The Green" forming a visual buffer between the dwellings and the road. There is no defined building line as some of the dwellings have smaller

gardens and are located closer to the green than White Meadows and others are set back.

The proposal will not project forward in a way that dominates in the street scene nor will it be visually intrusive. The site is heavily screened when viewed from the road and the proposed car port will not be visible from this vantage point.

The Conservation Officer is satisfied that the proposal will not have a detrimental impact on the CAONB or the Conservation Area. The Conservation Officer did not consider that there were any listed buildings close enough to be affected by the proposal.

The proposal will therefore not have a detrimental impact on the street scene, the CAONB or the Conservation Area.

Trees and Woodlands

There are no formal foundations proposed for the car port so there will be no detrimental impact on the trees along the frontage of the site. The Trees and Woodlands officer is satisfied that the proposal will not affect the trees along the side boundary of the site.

Public Footpath

The Countryside Access Officer has no concerns with regard to the proposal.

Effect on Amenity of Neighbours

There will be no significant loss of sunlight and daylight for either of the neighbours as a result of the proposal due to the size and location of the car port proposed and the degree of separation between the dwellings.

There will be no loss of privacy for either of the neighbours as a result of the proposal.

Highways and Parking

The Highways Engineer has no objection to the proposal subject to a few conditions.

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 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of the visual amenities of the Rural Area, CAONB and the Conservation Area and to comply with CS7,11,12, 24 and 27.

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 Class E

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, the character of the Conservation Area and to protect the Rural Area and CAONB from any further encroachment at this site without control. To comply with CS 7, 11, 12, 24 and 27.

- 4 **Notwithstanding the details shown on the approved plans only pile foundations carried out to specifications recommended by BS5837:2012 must be built as part of the development approved.**

Reason: To protect the adjacent Beech trees covered by a Tree Preservation Order and to comply with CS 25.

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

Location Plan

Block Plan

Floor Plan and Elevations PC17723 dated 26/6/17

Letter from applicant - additional information.

Reason: For the avoidance of doubt and in the interests of proper planning.

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) (Amendment No. 2) Order 2015.

Informatives:

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to

ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.