

**4/02362/17/FUL - SUBDIVISION OF EXISTING DETACHED DWELLING INTO TWO SEMI-DETACHED DWELLINGS BY CONVERSION OF EXISTING GARAGE TO FORM A 1 BED DWELLING WITH AMENITY SPACE AND PARKING AND MINOR EXTERIOR ALTERATIONS.**

**24 NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1NU.**

**APPLICANT: Mr Williams.**

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[Case Officer - Elspeth Palmer]

### **Summary**

Based on the statement made by the Inspector in the previous appeal for this site it is accepted that the site is previously developed land. As a result of this judgement the proposed development which has no significant impact on the character and appearance of the countryside is acceptable.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

The application is recommended for approval

### **Site Description**

24 Nettleden Rd is a circa mid 20<sup>th</sup> century two storey building on the northern corner of Church Road and Nettleden Road, within the Little Gaddesden Conservation Area (a designated Heritage Asset). It also lies within the Chilterns AONB.

The site comprises a detached 2 storey dwelling with an attached garage, set on a reasonably large triangular plot of land with access off Church Road and gardens to the front, rear and side. The site is at the centre of the village and Little Gaddesden Conservation Area.

There are a number of listed buildings surrounding the junction of Nettleden Road, Church Road and Ringshall Drive however no. 22, directly to the north of no. 24 is the closest statutorily listed building to the site.

### **Proposal**

The proposal is for conversion of the existing garage area to form one attached 1- bedroom dwelling, including fenestration changes within the existing openings, parking for two vehicles to the front and amenity space to the rear of the building.

### **Referral to Committee**

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

### **Planning History**

4/02361/17/RET NEW FIRST FLOOR ACCOMMODATION OVER EXISTING DINING HALL WITH FRONT DORMER WINDOW AND REAR VELUX WINDOWS, ADDITION OF REAR INFIL EXTENSION, FRONT PORCH, AND EXTERNAL ALTERATIONS INCLUDING ADDITION AND ALTERATION TO EXISTING DORMER WINDOWS (RESUBMISSION)

Granted  
19/12/2017

4/00832/17/TCA WORKS TO T3 AND T4 OAK TREES  
Raise no objection  
10/05/2017

4/00660/17/RO C VARIATION OF CONDITION 3 (APPROVED PLANS) ATTACHED TO  
PLANNING PERMISSION 4/01966/15/FHA (NEW FIRST FLOOR  
ACCOMMODATION OVER EXISTING KITCHEN AND GARAGE,  
ADDITION OF CONSERVATORY TO REAR AND FRONT PORCH WITH  
INTERNAL AND EXTERNAL ALTERATIONS INCLUDING ADDITION OF  
DORMER WINDOWS)  
Granted  
01/06/2017

4/00058/17/TCA FELL SCOTS PINE AND WEYMOUTH PINE AND REPLACE WITH  
ROWAN TREE AND WEEPING PEAR TREE  
Withdrawn  
16/02/2017

4/02205/16/FUL PART DEMOLITION OF EXISTING STORE AND GARAGE,  
EXTENSION AND SUBDIVISION OF EXISTING DWELLING FORMING  
LINKED NEW DWELLING. ALTERATIONS TO LANDSCAPING PARKING  
AND CROSSOVERS  
Refused  
21/10/2016

4/01966/15/FHA NEW FIRST FLOOR ACCOMMODATION OVER EXISTING KITCHEN  
AND GARAGE, ADDITION OF CONSERVATORY TO REAR AND FRONT  
PORCH WITH INTERNAL AND EXTERNAL ALTERATIONS INCLUDING  
ADDITION OF DORMER WINDOWS.  
Granted  
15/07/2015

4/01601/15/TCA Fell Blue Atlas Cedar Tree, Walnut tree, Cherry tree, Apple tree, Hazel  
tree, small Holly and small Conifer'  
Raise no objection  
26/05/2015

4/02163/08/TCA WORKS TO TREES  
Raise no objection  
03/12/2008

4/02424/03/FHA REPLACE PART OF FRONT FENCE BY EXTENDING GARDEN WALL  
Granted  
19/12/2003

4/01617/97/4 FELLING OF ROWAN TREE  
Raise no objection  
26/11/1997

## **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  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS32 - Air, Water and Soil Quality

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 15, 18, 19, 21, 22, 119 and 120.  
Appendices 1, 3, 5.

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Chilterns Buildings Design Guide (Feb 2013)  
Planning Obligations (April 2011)

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Little Gaddesden Parish Council

#### Background

The previous application was for a three bedroom subdivided property which was refused and lost on APPEAL - Application Number 4/02205/16/FUL - Part demolition of existing store and garage, extension and subdivision of existing dwelling forming linked new dwelling, alterations to landscaping parking and crossovers

#### Reasons for recommending refusal

Whilst the new proposal is for a one bed roomed second dwelling rather than a three bed roomed second dwelling, the reasons for Little Gaddesden Parish Council recommending that

this new application be refused is the same as the Inspectorate's views on 4/02205/16/FUL (Inspector's reference number - APP/A1910/W/17/3168805). Namely:-

*'1. The site lies within the Rural Area wherein, under Policy CS7 of the Dacorum Core Strategy September 2013, only small-scale development for the uses listed in the policy will be acceptable. The list of uses does not include use for residential purposes. The proposal to develop a linked 3 bedroom dwelling on the site which lies within the Rural Area is unacceptable in principle. Exceptional circumstances are not considered to exist that would be considered sufficient to set aside the Rural Area policy of restraint on new building in the countryside. The proposal is therefore contrary to the above policy.*

*2. The proposed development, by reason of its siting in a central and visually prominent corner of the Little Gaddesden Conservation Area, would be harmful to the traditional setting of the Conservation Area at this point. Furthermore, by reason of its design, size, height, scale and location in the plot, the proposal would be harmful to the local character and distinctiveness of the conservation area. The proposal would therefore fail to preserve and enhance the character and appearance of the Little Gaddesden Conservation Area. The proposal is therefore contrary to the NPPF, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011. '*

The application for subdivision fails to address the inspector's issues. It is understood that the Inspectors report refers to the three bedroom proposal but Little Gaddesden Parish Council believe that whilst the development is smaller in size the same principles apply to this new application. It is over development of the site does and not provide sufficient amenity space for its prominent location and negatively impacts on the character of the Conservation Area.

#### Conservation and Design

The application proposes the conversion of the existing adjoining garage to 24 Nettleden Road North to a 1-bed dwelling. The garage will not be extended in any way however the garage doors will be replaced by windows and a front door inserted. In design terms the proposed alterations to the existing single storey garage block are generally considered acceptable although it is recommended the 2 roof lights are relocated to the rear roof slope.

The impact of the loss of garage space and the increased amount of proposed parking to 24 Nettleden Road North (facing Church Road) will need to be considered – the increased amount of hard standing is considered to have a small adverse impact upon the character of the Conservation Area and there is a lack of detail in relation to this. Also, this proposal may increase the pressure to provide new garage / store facilities for 24 Nettleden Road North.

Further details of landscaping and areas of hard surfacing should be provided or form a condition of any consent – the current details are rather sketchy.

#### Hertfordshire Highways

##### **Decision**

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 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

#### HIGHWAY COMMENTS

This application is for Two-storey side extension, single-storey rear extension, garage conversion and amended off-street parking.

#### PARKING

Conversion of the garage will remove one off road parking space.

#### ACCESS

The proposed new property will use the existing access to the garages on Church Road, while the existing property also has a vx0 on Church Road, with parking to the front.

Church Road is an unclassified local access road, with a 30mph speed limit. No accidents have occurred in the vicinity of the site in the last 3 years.

#### CONCLUSION

The above conditions and informatives are therefore required to make sure that this development is achieved with as little if any disruption or obstruction of the public highway as far as reasonably practical.

#### Herts Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

#### Building Control

No comments to make.

## Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None.

### **Considerations**

#### Policy and Principle

The site is located within the Rural Area. CS7 states that small scale development will be permitted for:

- (iv) the appropriate reuse of permanent, substantial buildings; and
- (v) the redevelopment of previously developed sites provided that:
  - i. it has no significant impact on the character and appearance of the countryside; and
  - ii. it supports the rural economy and maintenance of the wider countryside.

Residential is not listed as an acceptable use in CS7 so the main planning consideration is the judgement made by the Inspector in the previously dismissed appeal (see below) that the site can be considered previously developed land.

The site is also located within the Little Gaddesden Conservation Area, CS27 Quality of the Historic Environment states that all development will favour the conservation of heritage assets.

CS 24 Chilterns Area of Outstanding Natural Beauty states that the special qualities of the CAONB will be conserved.

#### Previous Appeal Decision

The inspector in the appeal decision for this site, planning application number 4/02205/16/FUL (Inspector's reference number - APP/A1910/W/17/3168805). stated:

*"Development in rural areas*

*20. Policy CS7 of the Local Plan<sup>1</sup> (LP) states that small scale development will be permitted where it accords with a closed list of permitted uses, or the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside.*

***21. The appellant has drawn my attention to an appeal decision on a different site<sup>2</sup>. That Inspector concluded that the small scale development of previously developed sites, for uses other than those listed in LP Policy CS7, would be acceptable where there was no significant impact on the character and appearance of the countryside. In principle I see no reason to disagree with that Inspector's reading of LP Policy CS7.***

*"25. Interested parties have raised an issue as to whether the site constitutes previously developed land. However, the development would replace permanent ancillary buildings. Furthermore, although gardens within built-up areas are not considered to be previously developed land, I am not satisfied that the appeal site could be considered to be within a built-up area. This is reinforced by the Council's application of LP Policy CS7 which relates to rural areas."*

Based on this judgement it can be considered that the site is previously developed land and therefore can be redeveloped as long as there is no impact on the character and appearance of the countryside; and it supports the rural economy and maintenance of the wider countryside.

The difference between the previous proposal and the current one is that it had the appearance of a link detached dwelling of similar size to the existing (see Appendix below) and the

Inspector concluded the following:

*"16. ... I conclude that the development would be contrary to the provisions of both the Act and the Framework which seek to conserve and enhance the historic environment. It would also be contrary to Policy CS27 of the Local Plan which requires development to conserve and enhance the appearance and character of CAs and protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets."*

*"22. ... this development would have a significant impact on the character and appearance of the countryside, and would therefore be contrary to the provisions of LP Policy CS7."*

The current proposal does not change the size and shape of the existing garage only the openings are being changed.

#### Impact on the Rural Area

The existing building to be converted is the garage to the main dwelling. The only change to the building is the removal of the garage doors and the addition of fenestration. The car parking area was already there previously as this was the hard stand area for the garage. The amenity space to the rear and side is also existing.

The proposal will not have a significant impact on the character and appearance of the countryside as there will be minimal change.

The proposal will help support the rural economy by allowing for a mix of housing size and affordability in an area where houses tend to be larger and in the upper range of affordability.

It is therefore considered based on the Inspector's conclusion above that the proposal complies with CS 7.

#### Effects on appearance of building

The changes proposed are minimal and are in character with the existing building in terms of design, character and materials. No extension to the existing structures are proposed in terms of height or footprint so the concerns of the Inspector in this case have been addressed.

Amended plans have been requested to address the Conservation Officer's concerns - plan numbers will be amended at the DMC meeting.

#### Impact on [ Street Scene / Conservation Area / CAONB ]

As discussed above the proposal involves minor changes to an existing structure so would not have a detrimental impact on the street scene, Conservation Area or the CAONB. The proposal has addressed the concerns raised by the Inspector.

The proposal therefore complies with CS 12, 27 and 24.

#### Impact on Trees and Landscaping

No significant trees are affected by the proposal.

#### Impact on Highway Safety

Hertfordshire Highways have no objections to the proposal in terms of highway safety and access.

The DBC SPG "Accessibility Zones for the Designation of Car Parking Standards" States that a one bedroom dwelling outside of zone 1 and 2 would require 1.25 spaces.

2 car parking spaces will be provided for the one bedroom dwelling.

The proposal therefore complies with Saved Appendix 5 of the DBLP.

#### Impact on Neighbours

The proposal will not result in a loss of sunlight and daylight for either of the neighbours as the changes will not change the size or location of the existing building.

There will be no loss of privacy as the site is enclosed to the rear by a 1.8 metre fence and windows are only at ground floor level. The velux roof lights will be looking towards the sky and allowing light in rather than allowing for any kind of outlook.

#### Adequate Amenity Space

The officer's report for the previous proposal stated that "The garden depth is less than 11.5 metres deep as required by Appendix 3 of the DBLP but the area of amenity space as a whole is considered acceptable." The Inspector did not raise any issues with regard to garden depth.

The site is located near to open countryside and public footpaths thus allowing the occupiers of this dwelling to benefit from their surroundings.

#### Community Infrastructure Levy (CIL)

Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

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 Conservation Area and to comply with CS27.

3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 12 and 27.

4 **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, G and H]  
Part 2 Classes [A, B and C].**

Reason: To enable the local planning authority to retain control over the development by nature of the size of the site and in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS 12 and 27.

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

**site location plan 2107.21  
block plan 2107.27  
existing elevations 2107.23  
existing floor plans 2107.22  
proposed floor plans 2107.25A  
proposed elevation 2107.26B**

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

Informatives:

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.

### Highways

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.
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.
3. 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.
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