

**4/02069/17/RET - RETENTION OF OUTBUILDING AND STORAGE CONTAINER.
1 CHALKDELL COTTAGES, PUDDEPHATS LANE, FLAMSTEAD, ST ALBANS, AL3 8BA.
APPLICANT: Mr & Mrs Papworth.**

[Case Officer - Elspeth Palmer]

Summary

The proposal is recommended for approval for the following reasons:

- it will not have a significant impact on the character and appearance of the countryside (CS 7);
- it will not have a detrimental impact on the special qualities of the CAONB (CS24);
- it will not have negative impact on the street scene (CS 12);
- it will not result in a loss of amenity for neighbours (CS 12); and
- no significant trees are affected by the proposal (CS 25 and 26).

The proposal would therefore comply with all the relevant policies listed above.

Site Description

No. 1 Chalkdell Cottages comprise one of a pair of 2 storey detached 4 bedroom dwellings granted in December, 2004 in replacement of two semi-detached farm workers cottages and subsequently amended during construction in 2006 to add conservatories. The site is situated in a primarily open countryside location on the north western side of Puddephats Lane, near the bottom of Trowley Bottom Valley. The replacement dwellings stand in modest sized plots opposite Grove Farm. The pair are set some distance back from the lane and are accessed from the front via a shared driveway. The site falls within the Rural Area and designated CAONB.

Proposal

The proposal is for the retention of two outbuildings to the rear of the house and close to the north-eastern side boundary:

- a summer house built of feather edged timber boarding stained green with a felt roof (approx. 4.7 metres by 5.11 metres); and
- a garden equipment store built of green stained timber boarding with cement based corrugated sheet roof, including a container (5 metres by 9.4 metres)- both used for storage of a drive along lawn mower, push lawn mower, garden strimmers, leaf blower, grass sweeper, trailer, chain saw, garden tools and hand tools.

Referral to Committee

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

Planning History

4/0113/03/FHA - Two storey front and single storey rear extensions and demolition of garages.
Granted 14 April 2004.

4/1550/04/FUL - Demolition of existing cottages, construction of two detached cottages.
Refused 5 August 2004.

4/2194/04/FUL - Demolition of existing cottages and reconstruction of two detached cottages.
Granted 2/12/04.

4/1150/06/FUL - Demolition of existing cottages and reconstruction of two detached cottages (amended scheme). Granted 29/06/06.

Under this planning permission Permitted Development Rights were removed for outbuildings - see below.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within the following Classes of the Order shall be carried out on either the land edged in red or blue on the approved plans without the prior written approval of the local planning authority:

**Schedule 2 Part 1 Classes A, B, C, D and E
Part 2 Class A.**

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.

4/1187/07/FUL - Retention of two dwellings. Refused 6/07/07.

4/00743/12/FHA - Two Storey Side Extension. Refused 01/06/2012.

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
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS26 - Green Infrastructure

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 21.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Chilterns Buildings Design Guide (Feb 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flamstead Parish Council

Amended Plans (showing correct dimensions of container)

The Parish Council strongly objects to this application as it is inappropriate development in a rural setting.

Original Plans

No objections to this application.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Amended Plans

2 Chalkdell Cottages - Object:

- The additional building (described as container) is an industrial building with corrugated sheet roof.
- The drawings submitted are not correct. The building is approx 10m in depth, not 3.8m as claimed on the submitted drawings.
- The building is only 760mm from the boundary to our garden. The 760mm gap is filled with building materials and plant, e.g cement mixers, digger buckets, wheel barrows etc all against our post and rail boundary fence.
- No dimension to the boundary is shown on the submitted drawings but scale indicates more than 2m from the boundary. This is incorrect.
- This building has been constructed without any sensitivity or consideration to the view from our side. It is an eyesore which devalues the environment our views and we believe the monetary value of our property.

Original Plans

2 Chalkdell Cottages - Object:

- I object to the out building.
- The building is too high and too close to the boundary fence. It has a height of 3.075m and is built right up to the back garden boundary fence.
- The view from my kitchen and conservatory is significantly degraded. We look out onto the rear and side of an eyesore of a building. One of the reasons we purchased our property was for its location in a AONB area with natural landscape views.
- I am aware that the property 1 Chalkdell Cottage has had permissible development rights removed but had the building at least been constructed with sensitivity and with consideration to our views and had it been constructed within normal permissible development guidelines I would not have objected.
- This building has caused me and my wife distress and we believe devalues our environment and the value of our property.

Grove Farm - Supports

- The summerhouse has been in place for around five years, it has been tastefully constructed and painted in a muted green colour.
- This building fits perfectly well into its surroundings and offers the owners a glorious view without compromise to its setting.

- The summerhouse is a perfectly acceptable addition to the applicant's garden and planning should be granted without delay.

Strategic Planning

Outbuildings do not strictly fit into the CS7 policy criteria but it's not unusual for people living in Rural Areas to want outbuildings to store equipment to allow them to care for their larger gardens. The key consideration is to assess if there is any harm to the open countryside.

Considerations

Policy and Principle

Limited extensions to existing buildings are acceptable in the Rural Area under Policy CS7 of the Core Strategy but the policy is silent with regard to outbuildings.

However, CS 7 does state that the redevelopment of previously developed sites 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.

The rear garden would fall within the definition of previously developed land under Annex 2 of the NPPF.

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land This excludes: land in built-up areas such as private residential gardens."

The outbuildings are within the curtilage of the dwelling and the dwelling is not in a built up area.

As such the key consideration with respect to this development in the Rural Area is that it would have no significant impact on the character and appearance of the countryside and would support the rural economy. The proposal is considered to support the rural economy in a limited way through construction and would therefore meet the objectives of Policy CS7 of the Core Strategy and would not conflict with the general aims of saved Policy 22 of the Local Plan.

Permitted Development Rights

As mentioned above in the relevant history section this dwelling has no permitted development rights for outbuildings.

The larger outbuilding would not have been permitted development as it is over 2.5 metres in height and is within 2 metres of the boundary of the site.

The Summer House however if moved two metres away from the boundary would have been permitted development. This would however have more of an impact on the character of the countryside.

Impact on the Street Scene, Rural Area and Chilterns Area of Outstanding Natural Beauty

The outbuildings are of a scale, design, height and materials which are considered to be fit for purposes and would not result in harm to the character of the street scene, countryside or CAONB.

The larger outbuilding is approximately 35 metres from the existing dwelling and is set down in a small valley thus making it almost invisible from most viewpoints within the curtilage of the

dwelling and longer views from the south-west.

The summer house is located approximately 12 metres from the existing dwelling and is close to the side boundary. There are no other outbuildings on the site with the exception of a small gazebo tucked into the tree lined slope of the rear garden.

The proposal therefore complies with CS 7, 12, and 24.

Impact on Neighbours

No 2 Chalkdell Cottage is the only neighbour whose dwelling is remotely close to the site.

There will be no loss of privacy for this neighbour as a result of the proposal as no windows face No. 2 Chalkdell Cottages.

There will be no significant loss of sunlight and daylight as a result of the proposal as they are single storey and well removed from the neighbour's dwelling.

The neighbour's objections refer to loss of view and devaluation of their property - these are not material planning considerations so cannot be used as a reason to refuse the application.

The proposal complies with CS 12.

Impact on Trees

No significant trees will be affected by the proposal.

Conclusions

The proposal is recommended for approval for the following reasons:

- it will not have a detrimental impact on the character and appearance of the countryside or impact on the special qualities of the CAONB; and
- it will not have negative impact on the street scene or result in a loss of amenity for neighbours.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following condition.

- 1 **The development hereby permitted shall be retained in accordance with the following approved plans/documents:**

Site Location Plan AT795-01

Site Plan AT705-02B

Existing Outbuilding Summer House Floor Plans and Section AT705-03

Existing Outbuilding Summer House Elevations AT705-04

Existing Outbuilding Container Floor Plans and Roof Plan AT05-05A

Existing Outbuilding Container Elevations AT705-06

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

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.