

<b>4/00624/18/FHA</b>	<b>FRONT EXTENSION INFILLING EXISTING AREA, RAISED CENTRAL AREA AND CREATION OF A CROWN ROOF.</b>
<b>Site Address</b>	<b>LANCRESSE, RUCKLERS LANE, KINGS LANGLEY, WD4 9NQ</b>
<b>Applicant</b>	<b>Mr Singh and Mrs Gill, Lancresse</b>
<b>Case Officer</b>	<b>James Gardner</b>
<b>Referral to Committee</b>	<b>Contrary view of Kings Langley Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The development would satisfactorily integrate with the character of the area and would not have an adverse impact on the residential amenity of the surrounding properties.

2.2 The increase in the size of the dwelling is to provide additional accommodation for the applicants growing family and has been justified in Green Belt terms on the basis of "Very Special Circumstances".

## **3. Site Description**

3.1 The application site is located on the northern side of Rucklers Lane, Kings Langley. The bungalow is set back from the highway by approximately 40 metres and occupies an elevated position. To the front there is a substantial area of block paving and a detached brick-built carport

3.2 The bungalow is constructed of brick and flint and has two forward projecting wings with hipped roofs to either end. The rear garden rises steeply and contains a number of mature trees.

## **4. Proposal**

4.1 Planning permission is sought for the construction of a front infill extension, a central gable on the front and rear elevations and alterations to the main roof.

## **5. Relevant Planning History**

No recent history.

## **6. Policies**

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### 6.2 Adopted Core Strategy

NP1, CS1, CS2, CS5, CS8, CS9, CS11, CS12, CS25, CS29, CS31, CS32, CS35

### 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 22, 51, 57, 58

## 6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)

## 7. **Constraints**

- Area of Special Control for Adverts
- Green Belt

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## 9. **Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Green Belt Impact Assessment
- Impact on Appearance of Dwelling and Street Scene
- Impact on Residential Amenity
- Impact on Trees and Landscaping
- Impact on Highway Safety
- Other Material Planning Considerations

### Policy and Principle

9.2 The application site is located within the Metropolitan Green Belt wherein development is generally resisted. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.3 The National Planning Policy Framework (NPPF) allows for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building, whilst local planning policies (saved Policy 22 and CS5) are supportive of limited extensions provided they are, amongst other things, compact and well-related to the existing building and have no significant impact on the character and appearance of the countryside.

9.4 A comparison must be made with the original building as it existed on 1 July 1948. There are a number of ways in which an extended property can be compared to an original building in order to assess whether or not an addition is disproportionate in size. The additional floor area added to the original building is one commonly used indicator; however, other factors, including the proposed additional cubic content, the increase in footprint and any increase in height are also relevant and capable of being taken into account.

9.5 In this case a comparison between the original footprint and the proposed footprint is considered to be a reasonable way of forming an opinion as to proportionality.

9.6 From examining the historic planning files, it has been possible to ascertain that the original footprint of Lanresse comprised approximately 95 sq. metres. Extensions in 1986 and 1990 increased the footprint by an additional 63 sq. metres. As a result, in its current form, Lanresse has been increased by a total of 66.3%. This application proposes an area of 210 sq. metres, which would equate to a total increase in footprint of 120%.

9.7 The NPPF does not provide a definition of what is and what is not proportionate; each case must be judged on its own merits. However, it is considered that the increase proposed by this application would not be proportionate and therefore constitutes inappropriate development.

#### Green Belt Impact Assessment

9.8 Plan number 1172 SK520 shows what could be built under permitted development and includes a single storey rear extension and a single storey side extension. In total, this would result in the dwelling having a total footprint of approximately **258 sq. metres.**

9.9 Plan number 1172 SK521 shows what could be built under the householder prior approval scheme. Assuming no objections were received from neighbouring properties, the extensions would be permitted development. If objections were received, the local planning authority would only be able to consider matters pertaining to residential amenity, not whether or not the extensions integrated with the character of the area or were inappropriate in size in a Green Belt location. As above, single storey side and rear extension are proposed, although in the case of the rear extension, it has a greater depth (8 metres). In total, this would result in the dwelling having a total footprint of approximately **295 sq. metres.**

9.10 The PD and prior approval fall-back positions introduce a greater level of sprawl across the site than that proposed by the planning application and are thus important material planning considerations.

9.11 Following the introduction of the NPPF the size criterion (30% limit) within saved Policy 22 can be given very little weight in the application process. The qualitative elements of the policy are, however, still relevant and are as follows:

- (a) The extension is compact and well-related to the existing building in terms of design, bulk, scale and materials used;
- (b) The extension is well-designed having regard to the size and shape of the site and retains sufficient space around the building to protect its setting and the character of the countryside.
- (c) The extension is not visually prominent on the skyline or in the open character of the surrounding countryside.
- (d) The extension does not prejudice the retention of any significant trees and hedgerows.

9.12 In visual terms the extensions proposed are very similar to those in the process of being completed at Flinton (approved under 4/02724/16/FHA and therefore the Council does not have any major concerns with what is being proposed. The design for this application has evolved slightly since first submission and now includes a "green roof" on the areas of crown roof, softening the (limited) view of the development from the footpath to the rear and helping it to successfully integrate into the wooded nature of the area.

9.13 There would be no increase to the height of the main roof. The new gables would extend approximately 0.65 above the height of the main roof, but this would be limited to a very small section of the property.

9.14 The planning application is proposing a total footprint of approximately **210 square metres**, which is significantly below the potential 258 and 295 square metres that would result if the applicant were to exercise his PD rights. There would, of course, be an increase in volume as some of the alterations include providing additional habitable accommodation in the roof space. However, this is not considered to be especially harmful as it is only when looking at the property from the side that the additional mass would be noticeable and, as outlined above, height increased are limited.

9.15 Planning Inspectors have given considerable weight to the PD fall-back position, noting that there merely has to be the potential for the development to be implemented. However, it is understood that, owing to the need for more space (i.e. a growing family and the necessity of having family members close at hand) there is a high likelihood that the PD extensions would be constructed should permission be refused.

9.16 The bungalows at Rucklers Lane are architecturally interesting and unique and therefore should, so far as possible, be carefully managed to ensure that their special qualities are not eroded over time. In order to comply with the requirements of the General Permitted Development Order, the PD schemes are necessarily bulky and lack architectural finesse. Implementation of either of these schemes would be detrimental to the character and appearance of the dwelling. Whilst individually the dwellings may not be worthy of listing, it must be acknowledged that, together, they form an attractive group.

#### Conclusion

9.17 The PD fall-back position is being put forward by the applicant as a 'very special circumstance'. In light of the potential impact on the Green Belt and the associated degradation of the character of the area which would inevitably result, the case officer is of the view that the applicant's special VSCs are persuasive and the current scheme outweighs the harm to the Green Belt.

#### Impact on Appearance of Dwelling and Street Scene

9.18 The design incorporates front and rear facing central gable which include Juliet Balconies with glazed balustrades. Hip details are to be retained on all exposed roof elevations, ensuring that the visibility of the crown roof is kept to a minimum. Glimpsed views of the roof structure would be possible from the public footpath to the rear. However, the use of a 'green roof' would mitigate any negative effects and aid assimilation.

9.19 The proposed materials - matching roof tiles, matching brick detailing, aluminium bi-fold doors - do not give rise to any concerns.

9.20 While the extensions and alterations will inevitably result in a slightly bulkier appearance, it is important to note that the dwelling will be seen in the context of a substantial plot within an area that is heavily treed, set back from the highway by over 40 metres, and which occupies an elevated position. Thus, any additional bulk and mass within the roof structure will not be evident.

9.21 As a result, the development accords with saved Appendix 7 of the Dacorum Borough Local Plan (1991 - 2011) and Policy CS12 of the Dacorum Core Strategy (2013)

#### Impact on Residential Amenity

9.22 Policy CS12 of the Core Strategy states that, inter alia, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.23 The application site and the dwellings in the immediate surroundings sit within spacious plots and as such the potential for severe overlooking is less likely to occur. However, it is noted that Velux rooflights are proposed to be inserted on the north-eastern and south-western roof slopes which face Wood Edge and Leaside. These windows would be located approximately 11.35 metres and 19.35 metres away from the respective properties. Consequently, were planning permission to be forthcoming, it is considered appropriate to include a condition requiring the windows to be fitted with obscure glazing and retained in perpetuity.

9.24 The size of the roof structure would be increased, but there would be very little change in height. Therefore, impact on neighbouring properties would not be significant.

#### Impact on Trees and Landscaping

9.25 The development would result in the loss of some structured, cultivated landscaping immediately outside the front door of the dwelling. However, none is significant or deemed worthy of retention.

#### Impact on Highway Safety

9.26 The proposal would not have any obvious highway safety implications. The scale of the development is not sufficient to warrant a Construction Management Plan.

### **10 Other Material Planning Considerations**

#### Permitted Development Rights

10.1 The Government's Planning Practice Guidance provides useful advice to Local Planning Authorities as regards the use of conditions:

*When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.*

10.2 Paragraph 53 of the NPPF states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so, while paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.

10.3 These tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

10.4 Specific guidance in relation to conditions which remove permitted development rights is also provided in the Planning Practice Guidance:

*Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.... Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.*

10.5 The application site is located within the Green Belt which is an area of development restraint. The extent of the extensions proposed by this planning application are considered to be acceptable on the basis of the very special circumstances put forward by the applicant; namely, the extent of built form which could be constructed under permitted development.

10.6 On this basis it would be inappropriate not to restrict future use of permitted development rights. Should permission be granted, Classes A, B, D and E would be removed as these allow for the extension of a dwelling.

### Ecology

10.7 A Preliminary Bat Assessment (PBA) was carried out at the property between 9th June and 14th June 2018. No evidence of bats was discovered within the roof void or on the exterior of the building; neither were any potential bat roosts found. All roof and ridge tiles and flashings around the chimneys and eaves were found to be well sealed. As a result, the professional view of the consultant is that the likelihood of the property supporting a bat roost is negligible and the proposals are unlikely to impact on bats or their roost sites.

### CIL (Community Infrastructure Levy)

10.8 The application is CIL liable as it would result in the creation of more than 100m<sup>2</sup> of new habitable floor space.

## **11. Conclusions**

11.1 Cumulatively the extensions proposed would not be proportionate to the size of the original dwelling. Plans submitted by the applicant show what could be built without the requirement for planning permission. However, it is considered that the sprawl caused by the PD fall-back position, coupled with the detrimental impact this would have on the character of this architecturally interesting dwelling and the area as a whole, weights in favour of an approval.

11.2 In design terms the proposal is acceptable, taking its cues from the local vernacular while offering a slightly modern interpretation. There would be no obvious implications for the residential amenity of surrounding properties.

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

**1172 SK100D**  
**1172 SK101A**

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 Classes A, B, D & E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the visual amenity of the locality and the open character of the Green Belt.

- 4 **The rooflights on the north-eastern and south-western roof slopes shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings, in accordance with Policy CS12 of the Dacorum Core Strategy.

Article 35 Statement

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.

**This application was supported by the following:**

100C  
101

**Appendix A**

**Consultation responses**

Kings Langley Parish Council	Objection
The Council OBJECTED to this application because it is too large a development for the site; added to the previous development, this would constitute an increase of 134% in the Green Belt.	

**Appendix B**

**Neighbour notification/site notice responses**

**Objections**

Address	Comments
Herts and Middx Wildlife Trust, Grebe House, St Michael's Street, St Albans,,AL3 4SN	Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection will be withdrawn provided any required actions are applied in the planning approval.

	<p>The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.</p> <p>ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision. Survey information should accord with BS 42020.</p>
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